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Civilian Oversight of the Police: A National Survey

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Civilian Oversight of the Police: A National Survey

A Thesis

Presented to the
Department of Criminal Justice
and the

Faculty of the Graduate College
University of Nebraska

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
University of Nebraska at Omaha

by

Victor W. Bumphus

December 1991

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THESIS ACCEPTANCE

Accepted for the faculty of the Graduate College, University Nebraska, in partial fulfillment of the requirements for the Masters degree, University of Nebraska at Omaha.

Committee

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ABSTRACT

This thesis examines civilian oversight of the police in the 50 largest U. S. cities. Data on the nature and organization of civilian oversight was collected via phone surveys. Local mandates on civilian oversight were obtained through mailed-in responses (i.e., statutes, ordinances, and annual reports).

The present research was utilized to determine the prevalence, trends, and variety of civilian review of the police. A classification schemata was developed which categorized civilian oversight agencies into one of three classes. Pursuant to this research, it was discovered that the majority (60%) of the 50 largest cities have some form of civilian review. Based on the findings, results were combined to show generalities among civilian oversight agencies, while simultaneously detailing other differences specific to these agencies.

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CHAPTER 1

INTRODUCTION

Statement of Problem

The problem addressed by this thesis concerns the prevalence and variety of civilian oversight agencies in the United States. This thesis establishes a classification system which permits meaningful evaluation of civilian oversight of the police. By focusing on civilian oversight agencies in the 50 largest U. S. cities, prevalence, variety, and trends can be discussed with more clarity.

Research Question. How prevalent are civilian oversight agencies in the United States, and how can they be distinguished from one another?

Definition of Terms

Much confusion exists concerning the terminology used in discussing civilian oversight. Throughout this thesis "civilian oversight" and "civilian review" will be used interchangeably. Civilian oversight refers to any procedure whereby a non-sworn individual or a body consisting of non-sworn individuals investigate and/or review allegations of police misconduct and make subsequent recommendations. An "independent" investigation or review refers to procedures conducted by civilians not responsible to the police agency; this type of review is most commonly called "external" review.

Therefore, "internal" review refers to procedures where sworn officers conduct reviewing processes.

External review of the police is a direct response to a perception of continuing police misconduct. Proponents of civilian review question the internal mechanisms that have been the traditional forum for handling police misconduct cases (President's Commission on Law Enforcement and the Administration of Justice, 1967). Civilian oversight agencies have been proposed as one possible alternative to curbing police abuses.

Research Objective

To date, research in the field of criminal justice has failed to provide an adequate understanding of civilian oversight of the police. Although there has been at least one notable attempt to develop a classification system (Kerstetter, 1985), many questions remain unanswered--questions that must be answered before researchers can explain the dramatic growth in the area of civilian oversight during the last decade. These questions concern the nature of police work, evidence of police misconduct, and recommendations offered to increase police efficiency.

Since 60 percent of the 50 largest U. S. cities have a civilian oversight agency of some variety, much can be learned by comparing these agencies. Developing a classification system that is all-inclusive is the first step in discussing

civilian oversight in an informed manner.

The purpose of this thesis is to provide a descriptive analysis of civilian oversight agencies in the 50 largest U. S. cities. Civilian oversight agencies will be designated as being in one of the three classifications this thesis will establish. Differences in oversight agencies will then be discussed respective to the different classes and comparisons will be made (e.g., method of appointment, enabling authorization, types of cases reviewed, etc.).

The significance of this research will be to provide a foundation for studying civilian oversight agencies in a more systematic and comprehensive manner. Data will also be outlined concerning the general characteristics of cities where oversight agencies exist. Factors such as the population of the city, the racial composition of the city, the police-citizen ratio, and the geographical location of the city/agency will be compared across the cities in the sample. Systematic data to be outlined may aid researchers and scholars in answering some of the more qualitative questions concerning civilian oversight, questions such as, (a) are civilian oversight agencies effective mechanisms for controlling police misconduct, (b) how do we evaluate the effectiveness of civilian oversight organizations, and (c) are civilian oversight agencies aimed primarily at controlling

police misconduct or at restoring public confidence in the police?

CHAPTER 2

REVIEW OF LITERATURE

Introduction

Since civilian review of the police is a response to police misconduct, to understand police misconduct, first, police behavior must be placed in the context of routine police duties. Second, the citizen complaints system must be reviewed from a historical perspective, detailing the specifics by which traditional complaint systems have become subject to great criticism. Three key questions must be addressed in this review concerning the emergence of civilian review of the police: (1) what is the true nature of police work; (2) what evidence is there of police misconduct; and (3) why has the traditional citizen complaint system for handling complaints of citizens become subject to criticism?

Police Work and Behavior

The commonly used motto that the police are "to serve and to protect" does little to define the true nature of police work. The above phrase suggests that police work can be neatly put into two rather broad categories. According to Reiss (1971), law enforcement officers are required to handle a wide range of problems that arise in the everyday lives of citizens in any given community. Police researchers have primarily used calls for police service and observations of

police on patrol in order to analyze what police do on the job (Reiss, 1971; National Institute of Justice, 1984). In discussing the nature of police work utilizing service calls and actual patrol observations, two crucial areas of interest can be addressed--citizen expectations of the police and police behavior on the streets.

In The Police and the Public, Albert Reiss (1971) made the first systematic attempt to describe the nature of police work in America. Reiss examined 6,172 calls for service received in a 24-hour period at the Chicago Police Department in April of 1966. Reiss then categorized the calls for service into four broad categories (request on criminal matters, request for assistance, complaints about police service, and police information calls) (p. 71).

Reiss used actual observations of officers on patrol in Washington, DC, Boston, and Chicago in the summer of 1966. In a seven week period, hired observers reported on 5,360 mobilizations of the police (police mobilizations refer to any time an officer was dispatched to a situation or when the officer himself initiated an encounter with a citizen) (Reiss, 1971; p. xiii). Thirty-six observers were divided equally to high crime precincts in Boston, Washington DC, and Chicago. The primary purpose of Reiss' study was to uncover the true nature of police work--what did police actually do on a daily basis while patrolling (Reiss, 1973; p. 12)?

While citizens defined the majority of their complaints as criminal in nature, the patrol observations made by Reiss suggested that most police-citizen encounters involved non-criminal matters, incidents in which police personnel observed no clear violation of the law. Reiss discovered that around 80 percent of incidents responded to by the Chicago Police Department involved such things as requests for information, medical assistance, reports of traffic hazards, missing persons reports, and unsatisfactory police performance. Also, various administrative functions accounted for police activity on patrol (Reiss, 1971; p. 71).

The contrast between what citizens regard as criminal and what the police regard as criminal presents problems in interpreting the nature of police work (Reiss, 1971). Three factors that may explain some of the disagreement involve citizens' often-vague understanding of what is criminal and what is not, the great degree of police discretion in police-citizen encounters, and the fact that the police officer ultimately labels the encounter. Given the preceding differences of what is perceived to be criminal, the proportion of criminal to non-criminal encounters may be slightly more equal, but clearly, the police role as a "peacekeeper" outweighs the "crimefighter role" (Reiss, 1971).

Reiss (1971) found that the majority of police work involved reactive, as opposed to proactive policing.

Proactive policing refers to the occasion when the policeman himself initiates the contact with a citizen. Around 80 percent of all policing was found to be reactive with the officer being summoned to the location usually by telephone or dispatch and less often by police initiated contacts (p. 71).

The Police Services Study (PSS), conducted from 1974-80, was a replication of Reiss' work. It incorporated important changes in methodology that make the PSS a much more reliable research endeavor. Twenty-one different police departments in three metropolitan areas were observed during the PSS. The twenty-one departments covered a wide variety of police organizations, including urban and rural, high crime and low crime areas, small and large populated areas, and areas with various income levels (National Institute of Justice, 1984; p. 177).

As in Reiss' research, trained observers were distributed across selected cities. The PSS utilized over 60 neighborhoods in 21 different cities, whereas Reiss had used nine high crime areas in three heavily populated cities. Altogether the PSS used 5,688 police-citizen encounters involving more than 10,000 citizens. Nine-hundred shifts were observed and 650 variables were recorded (e.g., how encounter was initiated, location of incident, police response time, length of encounter, police/citizen actions and demeanor, etc) (National Institute of Justice, 1984; p. 177). The PSS

represents the most extensive study to-date of police services in America.

The PSS contained more than just the two sources of data mentioned. Phase I of the project was a census of all law enforcement agencies in the United States (local, state, and federal). Phase II of the project utilized police calls for service and observations of police patrol. Additional sources of data included: 1) in-person interviews with police officers, supervisors, and administrators; 2) in-depth interviews with police administrators; 3) personal interviews with representatives of citizen organizations; 4) interviews with public officials; 5) personal interviews with representatives of citizen organizations; 6) interviews with public officials involved in public policy-making; and, 7) surveys of neighborhood residents (National Institute of Justice, 1984; p. 178). The reported findings of the PSS focuses on calls for service and patrol observations. Thirteen categories of calls for service were established. The categories were as follows:

- (a) Non-violent crime--non-personal injury or property loss;
- (b) Traffic problem--dangerous or illegal operation of a motor vehicle, motor vehicle accident, or public hazard;
- (c) Assistance--all situations other than the above where citizen requests or appears in need of help;

- (d) Public nuisance--unpleasant or annoying circumstances;
- (e) General informational request;
- (f) Interpersonal conflict--persons involved in a dispute; violence may be present but no criminal liability is evident;
- (g) Suspicious circumstances--circumstances about which there is great uncertainty, but threatening;
- (h) Medical problem--injured or ill persons in need of help;
- (i) Dependent person--persons unable to care for themselves;
- (j) Violent crime--bodily injury or threat thereof; cases involving criminal liability;
- (k) Information for police--persons providing information concerning crime or other problems;
- (l) Public morals crime--an affront to legal standards; and,
- (m) Internal police operations--no direct service to citizen (e.g., administrative tasks, internal legal procedures) (National Institute of Justice, 1984; p. 28).

Despite the differences in methodology, the PSS data confirmed most of the findings on the nature of police work provided by Reiss' earlier study (National Institute of Justice, 1984). Data from the PSS revealed that police work was primarily reactive as opposed to proactive and that most police encounters involved matters of a noncriminal nature. A breakdown of calls for service by the different categories reflected the following percentages of all calls for service in the 21 different police departments: 1) violent crimes--2

percent, 2) non-violent crimes--17 percent, 3) interpersonal conflicts--7 percent, 4) medical assistance--3 percent, 5) traffic problems--9 percent, 6) dependent persons--3 percent, 7) public nuisances--11 percent, 8) suspicious circumstances--5 percent, 9) assistance--12 percent, 10) citizen request for information--21 percent, 11) citizen providing information--8 percent, and 12) internal operations requests--2 percent (National Institute of Justice, 1984; p.28).

Data from both the PSS and Reiss' observations converge on the nature of police work. It seems that police duties, by and large, have little to do with actual crime fighting, but they are expected to do a wide variety of functions where they are in constant contact with citizens. This contact with the community can cause special problems where, in some instances, the police may act inappropriately. The next section of this paper will deal with research in the area of police misconduct.

Police Misconduct

With regard to Reiss' study, observers were specifically asked to report on each instance of police use of force and to categorize it as necessary or unnecessary. Minor incidents that involved simple restraint, such as holding an offender's arm down were excluded from analysis. Reiss included only cases where a policeman struck a suspect with his hands, fist, feet, body, or when he used a weapon of some type (Reiss,

1973; p. 12). Force used against an individual by an officer was labeled unnecessary if it was used in one of the following methods:

- 1) If the officer struck a citizen and didn't effect an arrest;
- 2) where the individual involved, by word or deed, offered no resistance;
- 3) where the officer, facing some resistance, could have attempted to control the situation in an alternate manner short of physical force;
- 4) where other officers were present and could have rendered assistance;
- 5) where the individual was handcuffed and made no attempt to resist or flee; and,
- 6) where the citizen resisted but the use of force continued after the situation was under control (Reiss, 1973; p. 12).

Patrol observations from the three cities cited 37 instances where force had been judged unnecessary based on the six criteria established. Data revealed that the police had used unnecessary force against 44 citizens (in some instances force was used against more than one citizen during a police encounter). Furthermore, no one was arrested in 15 of the cases, and of these cases eight involved encounters where no physical or verbal resistance was indicated (Reiss, 1973; p. 12). Observers reported in detail on 11,255 encounters involving citizens in one of the three cities. Reiss reported that the actual instances where police officers used

unnecessary force in all three cities were relatively low in proportion to the total number of encounters daily; only about 3 encounters in every 1,000 involved the use of unnecessary force (Reiss, 1971; p. 142), but nevertheless, police misconduct constituted a real problem in policing (Reiss, 1973; 170). Reiss concluded that police misconduct constituted a more substantial problem due to the fact that complaints tend to accumulate over time. Misconduct directed toward citizens in this sense may become considerable in volume when observing annual rates. (Reiss, 1971; p. 170).

Reiss' study of misconduct had certain limitations. First, he only used one police department (Chicago) in his observations of calls for police service. It could very well be that the Chicago Police Department was significantly different from other departments in the way service calls were handled. Secondly, Reiss observed calls for a 24-hour period, a longer observation period could have affected his results. Finally by choosing high crime areas in each of the three cities, Reiss may have provided a non-representative picture of police-citizen encounters. Certainly high crime areas in themselves would greatly affect the potential for officers to become engaged in particularly violent encounters with citizens, especially since these high crime areas in the three cities were places where racial riots and disturbances caused additional negative confrontations between the police and the

public. On the positive side, Reiss' observations provide a rich body of information on citizen expectations of the police. Citizens expect the police to provide a variety of services that have little to do with crime-fighting. Additionally, Reiss' research confirms that police officers do not always act within the confines of the law (Reiss, 1971; p. 156).

Both the Kerner Commission (1968) and the President's Crime Commission (1967) as well as various other researchers have clearly noted special problems with police-community relations in large urban areas (Reiss, 1971; Chevigny, 1969). Chevigny (1969) studied police abuse of force in New York City. Chevigny found that 55 percent of all citizen complaints alleging excessive force involved defiance of some variety on the part of the citizen. Chevigny's study revealed that nearly all acts of police brutality were followed by the offender being arrested and charged with resisting arrest along with the original offense. Chevigny found that acts of force by police officers often occurred after the citizen verbally offended the officer (Chevigny, 1969).

Police misconduct covers various aspects of police behavior on the street; police use of unnecessary or unwarranted physical force is only one part of the picture. Both Chevigny (1969) and Reiss (1973) noted instances where officers used racial slurs and harassed certain "deviant"

classes of citizens (e.g., drunks, prostitutes, and the homeless). Also, instances have been observed where policemen have harassed young citizens assembled in public areas (Chevigny, 1969). The police misconduct dilemma has focused on the misuse of force because other contentions are usually harder to prove because they cannot be easily substantiated due to the lack of physical evidence (Wagner, 1980).

Public Perceptions of the Police

Historically, public opinion seems to present a different picture of law enforcement than what is suggested by police misconduct research. It seems that over time the overwhelming majority of the public has had a high regard for the police. A 1966 poll by the National Opinion Research Center found that only 8 percent of those polled thought the police were doing a poor job. Other responses were distributed between fair (24%), good (45%), and excellent (22%). Both the Gallup Poll (1965) and the Louis Harris Poll (1966) revealed that the majority of the citizens held the police in high esteem. Furthermore, the public believed that the police do not engage in serious misconduct. In 1965, only 9 percent of Americans believed that there was police brutality (President's Commission of Law Enforcement and the Administration of Justice, 1967; p. 145).

* Although surveys show high performance ratings for the police, nonwhite respondents, particularly blacks, have

consistently rated the police somewhat lower. The National Opinion Research Center (1966) found that lower ratings on the part of nonwhites existed across all income levels and was not significantly related to socioeconomic status. The Lou Harris Poll (1966) revealed that 51 percent of blacks, compared to 67 percent of whites, believed the police to be doing a good or excellent job. These public opinion polls also suggest that citizens below the age of 35, especially males, are most critical of the police--making young, black males the most critical (President's Commission of Law Enforcement and the Administration of Justice, 1967; p. 146).

★ Current data on public attitudes toward the police reveal that little has changed since the polls of the mid-1960s. In a 1988 Gallup poll, public attitudes toward the police were relatively high with 47 percent of the respondents rating the police (in regard to job performance) high or very high. Only 11 percent rated the police as low or very low--the remaining 42 percent indicated that the police were average. Differences, however, appear when race is examined. The data reveal that both blacks and nonwhites in general have lower opinions of the police. Similar polls throughout the 1970s reported similar observations (U.S. Department of Justice, 1989). Data throughout the 1970s and 1980s suggests that there has been little variation over time in public attitudes concerning the police.

Commissions on Policing

Although the public perception of the police is quite positive, several studies sponsored by the federal government have found police brutality, or at least the perception of brutality, to be a grave problem in America. The National Commission on Law Observance and Enforcement (the Wickersham Commission), formed by President Hoover in 1931, found considerable evidence of police misconduct. Likewise, President Truman's Commission on Civil Rights came to similar conclusions (President's Commission of Law Enforcement and the Administration of Justice, 1967).

The President's Crime Commission (1967) cited abuses in some cities which ranged from minor discourtesy to the clear use of unnecessary force. It was also found that a number of officers treated citizens in discriminatory ways often employing the use of profanity. One of the Commission's studies involved 100 routine contacts with citizens in several different cities. The majority of those interviewed concerning certain incidents were witnesses, bystanders, or victims as opposed to suspects. The study revealed that around 60 percent of the sample were interrogated without a proper introduction from the officer, and 15 percent were interrogated with derogatory or profane language being used by the officer (President's Commission on Law Enforcement and the Administration of Justice, 1967; p. 180). The Crime

Commission also cited the use of racial slurs used against citizens by the police. The Crime Commission concluded that while police misconduct is not frequent, certain acts witnessed could not be tolerated no matter how infrequent they occur (President's Commission of Law Enforcement and the Administration of Justice, 1967; p. 181). Although the Crime Commission Report regarding police misconduct and police-community relations was structured in a less systematic nature than other studies (e.g., Reiss, 1971; National Institute of Justice, 1984), the Commission did affirm a need for police reform.

In a report to the National Commission On The Causes and Prevention of Violence (1967), Campbell, stressing the importance of improving police-community relations, stated:

The police are, indeed, prejudiced against minorities. And the minority groups are equally prejudiced against the police. The prejudice on both sides is not without some foundation. The views of each side toward the other are constantly being reinforced and have become self-fulfilling prophecies. Doing something about the problem is what is called 'improving police-community relations' (Campbell et al., 1970; p 299).

The President's Crime Commission (1967) cited several ways of improving police behavior and police-community relations by attempting to make policing more professional. The Commission viewed the betterment of police-community relations as serving two primary functions. First, all

efforts at professionalizing law enforcement agencies would aid in restoring public confidence in the police--or rather extending existing public confidence to minorities. Second, the commission viewed public hostility on the part of the police and citizens as detrimental to police field operations. The Commission stated, "it may make officers reluctant to act; it may also induce the use of unnecessary force, verbal abuse, or other improper practices (President's Commission on Law Enforcement and the Administration of Justice, 1967; p. 145)".

The Kerner Commission (1968) also reported on the deep hostility between the police and citizens in American cities. The Kerner Commission studied civil disorders in American cities (primarily racial riots). Many instances of police misconduct were confirmed, but it was also noted that these instances do not constitute the normal pattern of police work or behavior (National Advisory Committee on Civil Disorders, 1968). Again the Kerner Commission restated the conclusion of the Crime Commission in stating that police brutality, no matter how infrequent, is something that cannot be tolerated (National Advisory Committee on Civil Disorders, 1968; p. 160). The Kerner Commission relied on studies and surveys conducted by the President's Crime Commission (1967) and confirmed instances of police misconduct and therefore cited

five problem areas:

- 1) The need or change in police operations in the ghetto, to insure proper conduct by individual officers and to eliminate abrasive practices;
- 2) The need for more adequate police protection for ghetto residents, to eliminate the present high sense of insecurity to person and property;
- 3) The need for effective mechanisms for resolving citizen grievances against the police;
- 4) The need for policy guidelines to assist police in areas where police conduct can create tension; and,
- 5) The need to develop community support for law enforcement (National Advisory Committee On Civil Disorders, 1968; p. 158).

The Kerner Commission made a series of recommendations in the five areas. Concerning patrol practices, the Commission recommended that officers with bad reputations among minority residents be immediately reassigned to other areas; that screening procedures should be adhered to where officers with superior ability, sensitivity, and common sense be assigned to minority neighborhoods; and that incentives should be developed rewarding officers for exemplary performance in minority neighborhoods (National Advisory Committee on Civil Disorders, 1968; p. 166). The Commission also recommended the following objectives aimed at improving police performance:

- 1) policies of enforcement in ghetto should be clear and consistent with other areas;
- 2) efforts should be made to distribute officers according to where they are most needed;

- 3) departments should make efforts to actively recruit blacks;
- 4) departments should develop policy guidelines involving the handling of disputes and especially deadly force; and
- 5) departments should develop strong investigative units to monitor officer compliance with policies and procedures (National Advisory Committee On Civil Disorders, 1968; pp. 166-67).

The Kerner Commission made recommendations on the proper handling of citizen complaints against the police that went beyond those of the President's Crime Commission. For example, the President's Crime Commission (1967) had recommended that police precincts utilize city-wide citizen advisory committees, including minority leaders, to periodically meet with the police organization and that efforts should be made in handling citizen complaints through departmental channels that reflect real officer discipline (Campbell et al., 1970). The Kerner Commission was somewhat more direct in its recommendations concerning citizen grievance mechanisms. The recommendations were as follows:

- * 1) Making a complaint should be easy; citizens should be allowed to file formal grievances through other community agencies as well as the police organization. Also forms used in filing complaints should be straight forward and easy to understand;
- 2) The grievance procedure should have a built-in conciliation process attempting resolve complaint barring a full investigation;

- *3) The complaining party should be a participate in the investigative process and should be kept fully informed until the final outcome;
- 4) Complaints concerning departmental policies should be directed toward appropriate departmental units were additional training if needed can be given; and,
- *5) A specialized agency, with adequate funds and staff, should be created separate from other municipal agencies, to handle, investigate and to make recommendations on citizen complaint (National Advisory Committee On Civil Disorders, 1968; p. 163).

Both the Kerner Commission (1968) as well as the President's Crime Commission (1967) viewed the citizen complaints system as inadequate. While the President's Crime Commission had simply advocated a reorganization of the complaint procedures to ensure equity, the Kerner Commission believed that an agency independent of the police organization would be better equipped to handle citizen complaints against the police. For the first time a federal commission had advocated external review of police misconduct allegations (National Advisory Committee On Civil Disorders, 1968).

Citizen Complaint Procedures

As many studies have shown, American policing has had a long history of corruption and abuse of authority dating back to the first decade of formalized policing (President's Commission on Law Enforcement and the Administration of Justice, 1967). By the 1960s, police departments, seeking to curb the negative aspects of scandals, began establishing

special units to investigate allegations of police misconduct. By the 1970s, most large police departments had some type of formal procedure or special unit to handle complaints by citizens--a major recommendation of both the President's Crime Commission and the Kerner Commission (Klyman and Kruckenburg, 1979; Reasons and Wirth, 1975).

These special units have been referred to as "internal investigations" or "internal affairs." Internal investigative units have the task of investigating all classes of complaints within the police organization whether these complaints involve citizens or other internal departmental problems (President's Commission On Law and the Administration of Justice, 1967). Although the police organization has held the position that police internal investigations provide adequate means for addressing citizen complaints, many criticisms of this position have been raised.

Both the President's Crime Commission (1967) and the Kerner Commission (1968) have cited various problems with internal grievance mechanisms. The President's Crime Commission stated that...."all too often, because of misplaced loyalty, policemen overlook serious misconduct by other officers (President's Commission of Law Enforcement and the Administration of Justice, 1967; p. 145)." The report further stated that the police agencies had not developed effective means by which one officer could openly file a complaint

against a fellow officer. Another problem addressed by the Crime Commission involved the reception of complaints within the police organization. It seemed that many officers considered individual citizen complaints as an attack on the whole organization as opposed to an attack against the individual officer. Furthermore, in one eastern city, it was discovered that the police had routinely charged citizens with filing false reports against officers which generally served to discourage citizen complaints. In New York City, the practice was to drop criminal charges of false reporting in exchange for not filing or withdrawing complaints. The Crime Commission indicated that these serious considerations made a mockery of effective means of settling grievances (President's Commission On Law Enforcement and the Administration of Justice, 1967).

The Kerner Commission (1968) stated that a major problem with internal review was that "founded" cases of police misuse of authority rarely meant that real discipline would be imposed. The Commission also stated that internal review, no matter how fair or equitable, could rarely provide the necessary public confidence or protect the police department from clearly "unfounded" allegations (National Advisory Commission On Civil Disorders, 1968; p. 162).

To overcome the problems associated with internal review, some in the criminal justice field began to advocate external

review of the police. Although the President's Crime Commission (1967) did not advocate external review, the report supported the contention that grievance procedures were drastically in need of reform. Conversely, the Kerner Commission recommended that cities establish external reviewing agencies independent of the police department that would handle citizen complaints (National Advisory Commission On Civil Disorders, 1968). A significant number of citizens, especially those in minority groups and civil rights organizations, expressed the most resentment toward internal review procedures. These groups (i.e., Urban League, National Association for the Advancement of Colored People [NAACP]) became the strongest proponents for establishing civilian review boards (President's Commission On Law Enforcement and the Administration of Justice, 1967).

Civilian Oversight of the Police

Civilian review agencies date back to 1948 when Washington, DC created its Civilian Review Board. Other cities followed Washington, DC's lead and established early review boards, *these cities included Philadelphia (1958), Minneapolis (1960), Rochester (1963), and New York City (1966). During the 1960s, civilian review boards were proposed, but not adopted, in Chicago, Cincinnati, Detroit, Los Angeles, Oakland, Newark, Pittsburgh, and Seattle

(President's Commission On Law Enforcement and the Administration of Justice, 1967; p. 200).

From the onset, civilian review boards faced great opposition, especially from police officers and their unions. Police agencies questioned the feasibility of having lay persons (without having a full understanding of police work) decide whether a policeman acted appropriately (Rogowsky, ^P 1971). Police boards in both Philadelphia and Rochester were subjected to law suits where the court permanently or temporarily disbanded their agencies. Specifically, the Philadelphia Police Advisory Board (PAB) was created by executive order of the mayor in 1958 and abolished by lobbying efforts in 1967. Washington DC's board was criticized in 1965 as being a farce and had to be thoroughly reorganized (President's Commission of Law Enforcement and the Administration of Justice, 1967). Although New York City has had its Civilian Complaint Review Board since 1953, the structure of the board has been modified on numerous occasions. ✕ Until 1966 the New York Civilian Complaint Review Board (CCRB) was composed of sworn staff; therefore, in the true sense of the word, the CCRB was not truly civilian. In 1966, the CCRB, after reorganization to include civilians, was rejected by popular vote, and thereafter was restructured again utilizing only sworn staff members (President's Commission On Law Enforcement and the Administration of

Justice, 1967). The CCRB has since been reorganized (in 1987) to be composed only of civilians (IACOLE, 1989).

It should be noted that early police review boards rarely utilized civilians; most often, these agencies were staffed by command personnel or other sworn officers. These boards were created by executive or administrative order reflecting political considerations more so than public consensus. Civilian review agencies created in the aforementioned manner were often doomed when political parties or city leadership changed hands (President's Commission On Law Enforcement and the Administration of Justice, 1967).

* The establishment of civilian review agencies seemed to further alienate the police and the community. Police unions vigorously campaigned against civilian review boards and, as previously mentioned, were successful in disbanding the Police Advisory Board in Philadelphia in 1967. At the same time, community advocacy groups campaigned to extend the power of these boards (Campbell et al., 1969).

* These early civilian review agencies differed greatly in their inception, structure, and the types of cases reviewed, but they all had one thing in common; they were only advisory in nature. They had no authority to impose discipline; rather, recommendations were made to the police chief. Classes of complaints handled by civilian review boards included, but were no limited to, the following: unnecessary

or excessive use of force, false arrest, harassment, refusal to allow the accused to telephone his/her lawyer or family, indignities, loss or destruction of personal property, denial of medical attention, discourtesy, and illegal search. Not only did civilian review boards handle individual cases, some reviewed general departmental policies and procedures that presented conflicts (President's Commission On Law Enforcement and the Administration of Justice, 1967).

A change occurred in the mid-1970s whereby many civilian review agencies were created by local ordinance as opposed to executive or administrative order (Loveday, 1988). Ordinances provide a safeguard because they generally reflect a greater public consensus and are, therefore, much harder to disband, requiring a majority of the city council and not simply by mayoral action.

Relatively little has been written about civilian review boards. Most of the literature is of a historical and/or descriptive nature tracking the origins of review boards. Kerstetter (1985) made the first systematic attempt to classify civilian review agencies. * According to Kerstetter the strongest form of external review is the "civilian review" model. In this model authority is invested in an external agency to investigate, adjudicate, and make recommendations. Kerstetter labels the "civilian input" model as the second level of civilian review. In this model, the external agency

is given the power to receive and investigate civilian complaints. The facts established by the agency are then turned over to the head of the police agency. The third model of civilian review detailed by Kerstetter is the "civilian monitor" defined as a procedure by which the investigation, adjudication, and discipline is carried out by the police department, but an external arena for review is available (Kerstetter, 1985). ^{P149}

Problems * Although Kerstetter's terminology is insightful, it leaves some key questions unanswered. For example, in Kerstetter's civilian review model does the authority to investigate and recommend actually mean that it must happen on every occasion? Kerstetter's language seems to suggest that all those agencies with the power to investigate and recommend are civilian review agencies. In reality, some oversight agencies could be labeled civilian review agencies in error in that some organizations having certain powers may choose not to invoke them. Secondly, the civilian input model designates those procedures where the investigation is carried out by a civilian agency and the facts turned over to the police chief. Although there may be civilian review agencies of this type, it is more likely that the investigation is actually carried out by sworn personnel, and then, those facts are turned over to the external agency to make recommendations. In fact most civilian review agencies with the authority to investigate

also make subsequent recommendations. Likewise, Kerstetter's third model leaves some unanswered questions. In the civilian monitor model investigation and adjudication is conducted internally, but there are external reviewing safeguards. This category covers procedures where there is an internal appeal mechanism. The civilian monitor model is overly broad. One must wonder what type of review? Is the review automatic? * Who makes the judgement as to which cases to review? In this model the phrase "reviewing safeguards" is confusing. If indeed this model presents a citizen appeal procedure, much is left to question. As Kerstetter attempted a classification system, other researchers have focused on a more critical analysis.

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Terrill (1990) critically reviewed civilian oversight agencies suggesting that they may well serve only symbolic a function. Many oversight agencies, in essence, have no real independent function because of lack of funds or administrative support. On the other hand, Terrill points out that civilian review provides a good checks and balance system; furthermore, civilian oversight may serve as a good deterrent to police misconduct.

Available research fails to address some key components of civilian review agencies. For example, no systematic effort has been made to provide information on the structure, functioning, and prevalence of such agencies in the United

States. However, the International Association for Civilian Oversight of Law Enforcement (IACOLE), a professional organization of staff members of civilian review agencies, established in 1984, periodically publishes a compendium which outlines civilian review organizations in the United States, England, Australia, and Canada. The IACOLE compendium simply contains descriptive narratives of certain agencies; no classification attempted. IACOLE uses the term civilian oversight to mean any procedure whereby civilians review the facts or make recommendations in cases involving police misconduct (IACOLE, 1989). In essence, civilian review and civilian oversight have the same meaning and are often used interchangeably.

There are few studies which address the effectiveness of civilian review agencies and even fewer which examine the demographic characteristics of cities and jurisdictions where such agencies exist. Perez (as cited in Kerstetter, 1985) attempted to evaluate the effectiveness of citizen complaint procedures across six different jurisdictions (the San Jose Ombudsman's Office, the Kansas City Office of Citizen Complaints/Police Department, the Berkeley Police Review Commission, the Berkeley Police Department, the Oakland Police Department, and the Contra Costa County Sheriff's Office). The Berkeley Police Review Commission and the Kansas City Office of Citizen Complaints were the only civilian oversight

agencies in the study. Perez audited a very limited number of cases in each jurisdiction attempting to uncover the perceived objectivity, thoroughness, and overall fairness of complaint procedures.

Data suggested that the satisfaction level with the Berkeley Police Review Commission was significantly higher than the other procedures regardless of the final outcome of the case. The satisfaction level concerning the other procedures were relatively low and were related more to the final outcome. In the case of Kansas City, the fact that investigation was conducted by the police department may have affected the satisfaction level making the jurisdiction overall more comparable to internal complaint procedures (Kerstetter, 1985). Though the data is only suggestive, the indication is that civilian oversight agencies may restore some public confidence in the complaints process.

Research to date seems to suggest that, while public confidence may be heightened by the existence of a civilian oversight agency, these agencies are less likely than internal procedures to substantiate police misconduct. Furthermore, when guilt is found by civilian oversight agencies, their recommendations may be more lenient than that of the police department (Hudson, 1971).

Although many in the criminal justice field have supported civilian review, none of them have presented a

convincing argument that such agencies effectively handle citizen complaints against the police. However, before significant evaluations of civilian review agencies can be made, an adequate classification scheme must be established that addresses the qualitative differences among the various organizations. How prevalent are civilian oversight agencies in the United States, and how can they be distinguished from one another? The current project is offered as a basis by which detailed information on civilian review can be obtained.

CHAPTER 3

METHODOLOGY

Sample Selection

In the planning stage of this project, several sampling strategies were considered. Probably, the best strategy would have been to include all civilian oversight agencies in the United States, but attempting to include all oversight agencies would have been an onerous task if not an impossible one given the limited resources available for the project. Most scientific inquiries into prevalence rely on random sampling or a probability sample, but because of the various oversight agencies within the larger cities this strategy would have been inappropriate. Therefore, the major objective of the sampling process was to select a good sample of cities in the United States where prevalence and variety could be better observed. After careful deliberation, the 50 largest U. S. cities (according the Bureau of the Census, 1991) were selected. The primary reasons for selection of the 50 cities were as follows: 1) civilian oversight agencies are most prevalent in larger urban areas, and therefore, the 50 cities would provide a comprehensive look at the variety and structure of oversight agencies, 2) research supports the fact that the most serious problems of police-community relations exist in America's larger cities (President's Commission of Law Enforcement and the Administration of Justice, 1967), and

3) contained within the 50 cities represented are the oldest civilian oversight agencies in the United States (e.g., Chicago-OPS, Milwaukee-Police & Fire Commission, and Detroit-Board of Commissioners).

The Survey Instrument

Phase I. A national survey was conducted by telephoning police departments and/or community advocacy groups in each of the 50 selected cities. Respondents (police departments) were asked to comment on whether or not a civilian oversight agency existed in their city. If a oversight agency existed, the specific agency was contacted for verification. During the interviewing process the 1989 IACOLE was utilized as a guide in designating cities having oversight agencies contained in the compendium. In cities where respondents stated that no civilian oversight agency existed, they were asked about their respective citizen complaints procedures; this measure was taken to insure that all procedures could be evaluated more thoroughly.

In cities where respondents stated that civilian oversight agencies existed, they were questioned concerning the specific structure of the oversight agency (e.g., name of agency, date established, composition of board, who does initial fact-finding and/or subsequent review, etc.). A copy of the survey instrument is attached as Appendix B. Respondents were asked to forward literature on the civilian

oversight agency in their city. Data obtained was used to verify survey information.

The information obtained from the self-reported data was either verified by literature from the agency/city or by the 1989 IACOLE. Therefore, all information obtained was reliable and a valid.

Analysis of City Characteristics

Phase II. The next step in the project involved a comparison of city characteristics where civilian oversight agencies existed. Existing data was obtained from the Statistical Abstract of the United States (1989), the Bureau of the Census (1990), and the most recent Sourcebook of Criminal Justice Statistics (1990). These data were used to compare the cities on each of the following variables: (1) population, (2) geographic region, (3) racial composition, and (4) index crime rate. Table I depicts the method by which the above variables were operationalized.

TABLE I CATEGORIES OF CITY CHARACTERISTICS

POPULATION:

- (1) 1,000,000 and over
- (2) 500,000 to 999,999
- (3) 250,000 to 499,999

GEOGRAPHICAL LOCATION:

Northeast

Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island

Midwest

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

South

Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia.

West

Arizona, California, Colorado, Idaho, Nevada, New Mexico, Utah, and Washington.

MINORITY REPRESENTATION:

- (1) 0-20%
- (2) 21-30%
- (3) 31% or more

CRIME RATE:

- (1) 0-10,000 per year
- (2) 10,001-15,000 per year
- (3) 15,001 and higher per year

****Geographic region categories are similar to the ones used in the Sourcebook of Criminal Justice Statistics**

As phase I focused on the prevalence, structure, and functioning of civilian oversight agencies in the United States, phase II focused on three objectives: (1) comparisons among cities with agencies and those without, (2) comparisons among cities with agencies, and (3) comparisons across different classes of oversight agencies in hopes that underlying patterns could be outlined.

CHAPTER 4

FINDINGS

Development of a Typology of Oversight Agencies

There are a variety of civilian oversight agencies throughout the United States. As mentioned previously, IACOLE (1989) periodically publishes a compendium of oversight agencies which contains non-systematic narratives of civilian oversight organizations. Although the classification system established for the current project parallels that of Kerstetter (1985), the shortcomings of Kerstetter's classifications addressed earlier make the current classification scheme more adequate for the purpose of analysis.

While there are many differences in civilian oversight agencies in the United States, such organizations can be distinguished from one another by two key elements. First, who does the initial fact-finding (whether or not an independent investigation was conducted)? Second, who conducts the review of the facts and makes a recommendation? With regard to the fact-finding process, an independent investigation refers to investigation that is conducted outside the police organization and by non-sworn persons. Where investigation and review occur outside the structure of the police agency, the process is most independent, and civilian oversight is at its highest form.

Class I Systems are civilian agencies where the fact-finding and subsequent review of cases alleging police misconduct are conducted by non-sworn persons. The Chicago Office of Professional Standards (OPS) and the Detroit Board of Commissioners are examples of Class I Systems by virtue of the fact that investigation and review in these agencies is conducted by non-sworn persons or civilians, while at the same time the scope and power of these agencies vary.

For the purpose of this study, three categories of civilian oversight have been established based on key elements mentioned previously. The three classifications are listed below:



Class I: (a) Initial investigation and fact-finding by non-sworn persons; (b) Review of investigative report and recommendation for action by non-sworn person or board consisting of a majority of civilian persons.

Class II: (a) Initial investigation and fact-finding by sworn police officers; (b) Review of investigative report and recommendation for action by a non-sworn person or board which consists of a majority of non-sworn persons.

Class III: (a) Initial investigation and fact-finding by sworn officers; (b) Review of investigative report and recommendation for action by sworn officers;
(c) Opportunity for citizen who is dissatisfied with final disposition of the complaint to appeal to a board which includes non-sworn persons.

Class II Systems of civilian oversight include oversight agencies where the fact-finding is conducted by sworn officers (usually the internal affairs unit of the police department) and a subsequent review is carried out by non-sworn persons. Some Class II Systems, however, have limited investigatory powers. The New York Civilian Complaint Review Board (CCRB) and the Indianapolis Office of Citizen-Police are designated as Class II Systems. In both agencies, investigation is conducted by sworn persons either assigned to the agency or working within the structure of the police organization.

Class I & II Systems are somewhat easier to isolate based on the two defining elements. The third and final category of civilian oversight (Class III) refers to procedures where both investigation and review is conducted by sworn officers. In these systems, sworn officers also make recommendations after reviewing the facts. The citizen may appeal the decision to a civilian board or agency. Complainants make formal, written pleas to these agencies. In Omaha the Mayor's Public Safety Finding Review Board hears appeals from dissatisfied citizens. The Omaha board consists primarily of civilians, although the police chief is one of the members. In Phoenix, the Disciplinary Review Board (DRB) hears appeals and reviews appropriate disciplinary measures in founded cases of misconduct. The DRB will also be in this category because there is one non-sworn person on the board.

There are other important characteristics of civilian oversight agencies. Some of these elements will be discussed throughout this thesis. Characteristics of civilian oversight agencies that are important include: (1) enabling authorization of the agency, (2) number and composition of members, (3) method of appointment, (4) type of cases reviewed, and (5) scope and power of the organization. All but one of the existing civilian oversight agencies are advisory in nature. They only have the authority to recommend; the ultimate decision on disciplinary measures is most often the responsibility of the head of the police

TABLE II	CITIES BY CLASSIFICATION
CLASS I:	Chicago, Detroit, San Francisco, Milwaukee, Cleveland, New Orleans, Long Beach, Oakland, Minneapolis, Honolulu, Cincinnati, Washington D.C.
CLASS II:	New York City, Houston, San Diego, Dallas, Indianapolis, Baltimore, Portland, Kansas City Mo., Atlanta, Albuquerque, Pittsburgh, Miami, Fresno, Toledo
CLASS III:	Phoenix, Tucson, St. Louis, Omaha

agency, or some other designated public official.

Prevalence

The national survey revealed that the majority of the 50 largest cities had a civilian oversight agency of some variety (Table III). Thirty of the 50 cities have a civilian

oversight procedure; the 30 oversight agencies constitute 60 percent of the total sample. Civilian oversight agencies in the 30 cities are distributed by classification in the following manner: (1) 12 Class I Systems (40% of the total), (2) 14 Class II Systems (46.7% of the total) and, (3) 4 Class III Systems (13.3% of the total) (Walker and Bumphus, 1991).

Trends

Compared to the decade of the 1970s, the decade of the 1980s saw a dramatic increase in civilian oversight agencies. Only 23 percent of the sample cities had oversight agencies prior to 1980 as compared to the current 60 percent. Around 77 percent of the current sample consists of oversight agencies that were established after 1980. Furthermore, four (13.3%) of the agencies in the sample were established in the 1990s (Table III). The data clearly reveals growth in the area of civilian oversight of the police. The indication is that the growth in civilian oversight of the police will continue into the 1990s.

Variety

There are great and important differences in the structure and procedures of the 30 agencies included in the sample. A discussion of the differences among these agencies will serve two important functions: (1) characteristics

TABLE III CIVILIAN REVIEW AGENCIES By Year of Creation***	
1972 Honolulu	1984 Atlanta
1974 Detroit, Chicago	1985
1975 Omaha	1986 Phoenix, Miami, Pittsburgh
1977 Milwaukee, Baltimore	1987 New York City, Albuquerque
1979 Cincinnati	1988 San Diego, Dallas, Cleveland
1980 Washington, DC, Oakland	1989 Indianapolis, St. Louis, Fresno
1981	1990 Houston, Minneapolis
1982 Portland, Tucson	1991 Toledo, Long Beach
1983 San Francisco, New Orleans, Kansas City MO.	
***Dates represent actual year of authorization for agency handling of citizens' complaints.	

specific to each classification will be discussed outlining inclusion to each category and (2) other unique characteristics will be discussed indicating variability within classes. Each category is discussed separately for a more focused understanding of civilian oversight in the United States. A brief discussion of each classification follows.

Class I. Systems

Twelve agencies in the sample are characterized as being Class I Systems. Class I Systems are those agencies where the initial fact-finding/investigation is conducted by non-sworn personnel and the review of the investigative report and recommendation is made by an individual who is non-sworn or a board with a majority of non-sworn persons.

Some general characteristics of Class I Systems can be identified. The majority of the Class I oversight agencies operate during regular business hours (although the Cincinnati Office of Municipal Investigation provides a after hours duty officer to respond to complaints). In most cities, complaints are received in person, in writing, on a walk-in basis. In two agencies (New Orleans & Minneapolis), anonymous complaints are received based upon the seriousness of the allegation (Interview, New Orleans's Municipal Office of Investigation, January, 11, 1991; Interview, Minneapolis Civilian Review Police Authority, February 20, 1991). Although these complaints can be received anonymously, complaints, at some

point, must be reduced to writing and signed by the complainant. Many of the agencies are automatically provided copies of complaints as a matter of police internal procedure (neither Oakland nor Washington, DC receives complaints from their respective departments).

(1) Agency Jurisdiction

All of the agencies in this category have at least concurrent jurisdiction with their police departments involving those classes of complaints in which they have authority to handle. In the above sense, concurrent jurisdiction refers to the fact that the oversight agency has authority to initiate investigation independent of the police agency, often this may mean that both the police department as well as the oversight agency are conducting investigations simultaneously. The New Orleans Office of Municipal Investigation, the Milwaukee Fire and Police Commission, and the Cincinnati Office of Municipal Investigation have original jurisdiction in cases alleging police misconduct. Nine of the 12 agencies in this category review only those allegations filed against the police department; two agencies (New Orleans, and Cincinnati) review misconduct allegations brought against any public employee with the respective city. The Fire and Police Commission in Milwaukee reviews allegations of both the Fire and Police Departments.

TABLE IV JURISDICTION AMONG CLASS I AGENCIES

Milwaukee Fire and Police Commission:

All complaints of any type against police officer as well as general policy and procedure matters.

Oakland Citizens' Complaint Board:

All complaints of excessive force (original jurisdiction) Any complaint where a citizen is dissatisfied (appellate review).

Washington, DC Civilian Complaint Review Board:

Complaints of police harassment, excessive use of force, and use of language likely to demean the inherent dignity of any person to whom it was directed and to trigger disrespect for law enforcement officers

Cincinnati Office of Municipal Investigation:

Complaints of serious misconduct by any city employee and deliberate or intentional shots fired by police personnel. Serious misconduct involves-bribery, theft, improper weapons discharge, coercion, excessive use of physical force, a violation of the law, and any other action that may reasonably justify the dismissal of a public employee.

Chicago Office of Professional Standards/Police Board:

Complaints of excessive force and shots fired.

Honolulu Police Commission:

Complaints of partial attitude, discourtesy, threatening behavior, theft, property damage, unnecessary force, malicious force, excessive force and unnecessary use of a weapon.

Class I oversight agencies are mandated to receive and investigate a variety of complaints that are usually outlined in very broad terms and are subject to many different interpretations. Table IV illustrates the variety in the jurisdiction among Class I agencies.

All Class I agencies receive as well as investigate complaints. Most of the agencies have original jurisdiction of classes of complaints which they are authorized to handle. Nine of the oversight agencies investigate only those complaints filed with their agencies by a citizen or by their police departments; other complaints not brought to their attention are not investigated or reviewed by the agency and remain with police internal affairs. The Milwaukee Fire and Police Commission, the New Orleans Office of Municipal Investigation, and the Cincinnati Office of Municipal Investigation are among the agencies that have original jurisdiction over all complaints of police misconduct as previously mentioned.

(2) Agency Organization

The information in Appendix A illustrates the organization oversight agencies contained in the sample. Nine of the 12 agencies in this first category are boards which review the facts in cases and makes recommendations. The three remaining agencies (Cincinnati, San Francisco, and New Orleans) are administrative offices headed by chief executives

who serve the same function as the review boards. These administrative agencies consist of trained, professional, paid investigators who conduct independent investigations and prepare summary reports under the direction of the chief executive member of the agency. These three agencies differ in that they are full-time offices whereas the boards, for the most part, meet periodically.

(3) Agency Powers

In all Class I agencies, the initial investigation of a complaint is conducted by independent investigators. One important component to Class I agencies is that all in the survey have subpoena powers. Subpoena powers authorize the agency to sequester the presence of witnesses during hearings who are most centrally involved in the issue at hand. The assurance through subpoena powers that appropriate persons involved in specific cases appear before the deliberating body is essential to disclosing all pertinent information. Although all Class I agencies have subpoena powers, there is no consistent pattern in terms of the scope of subpoena powers. For example, only the Cincinnati Office of Municipal Investigation, the New Orleans Office of Municipal Investigation, and the Milwaukee Fire and Police Commission can assure the mandatory presence of law enforcement officers at adversarial proceedings. Most agencies depend upon the

voluntary co-operation of witnesses, especially on the part of police officers.

Class I Systems make recommendations based on a preponderance of the evidence. Only one of these agencies has the power to impose discipline (Milwaukee). There are several variations in the form in which recommendations are made. Most agencies use the standard terms such as "founded" (meaning misconduct was found), "unfounded" (meaning no instance of misconduct was found), "sustained" (meaning some infraction has occurred), and "unsustained" (meaning evidence does not prove the allegation one way or the other). Other agencies use the terms such as "substantiated", "unsubstantiated", "exonerated", and "unfounded". Oakland finds a complaint as either "substantiated" or "unsubstantiated." Washington DC's Civilian Complaint Review Board either "sustains", "dismisses", or finds that misconduct has occurred (Petito, 1986). The recommendation made by these agencies are forwarded to the head of the police agency, the city manager, or mayor; recommendations are not usually binding. In the case of Milwaukee's Fire and Police Commission, the agency is an executive oversight agency of the police department; therefore, the determination is binding. Where the Milwaukee's Fire and Police Commission finds misconduct, discipline can be imposed (Petito, 1986).

Eleven of the 12 agencies in this category were created by local ordinance. These agencies are monitored by the city council and mayor. The Milwaukee Fire and Police Commission was established by state statute making the Commission unique among Class I agencies.

(4) Selected Class I Agencies

(a) Introduction

Below are brief narratives of three Class I oversight agencies designed to illustrate the variety of agencies in the Class I category. New Orleans' Municipal Office of Investigation, Chicago's Office of Professional Standards (Police Board), and Detroit's Board of Commissioners are outlined.

(b) New Orleans/Municipal Office of Investigation

The New Orleans Office of Municipal Investigation (OMI) was established in 1980 and authorized by local ordinance. The Office authorized to investigate complaints of alleged illegal or improper conduct on the part of any municipal employee (IACOLE, 1989).

Presently, the OMI consists of 7 full-time employees, all civilians. The OMI has a Chief Investigator who reports directly to the Chief Administrative Officer of the city. OMI investigations are limited to improper or illegal conduct; therefore, minor discrepancies are handled inter-departmentally. However, the OMI is responsible for the

routing of minor discrepancies to the appropriate department. Any citizen except those employed by the agency can file a complaint with the OMI. The OMI conducts adversarial hearings and has the authority to subpoena witnesses, papers, and effects. The hearings conducted are open to the public and afford both parties the opportunity to present witnesses and testimony to the board (IACOLE, 1989).

(c) Chicago/Police Board

The Chicago Police Board was established by local ordinance in 1961, and in 1974 the board first began to review citizen complaints against the police. The board is comprised of 9 citizens who are volunteer appointees confirmed by the city council and brought forth by the mayor. Under the authority of the Police Board, the Office of Professional Standards is empowered to receive all complaints of excessive use of force and use of firearms. All other complaints are handled through police internal investigations (IACOLE, 1989).

Unlike most Class I agencies, the OPS is housed within the Chicago Police Department, although the office is not responsible to the Chief of Police. The OPS employs all civilian investigators who conduct independent investigations and submit investigative reports to the Police Board. The Police Board deliberates and files recommendations with the Superintendent of Police. The Chicago Police Board hears all

cases assigned to it by the Superintendent of Police and Law Department (Petito, 1986).

(d) Detroit/Board of Commissioners

The Detroit Board of Commissioners was created by ordinance in 1974. The Board consists of five members appointed by the mayor and confirmed by the city council. The Office of the Chief Investigator (OCI), acting under the authority of the Board of Commissioners, receives and investigates complaints involving force, arrest, entry search, harassment, demeanor, procedure, service, and property. The OCI provides a investigative summary to the Board of Commissioners (IACOLE, 1989).

The Board of Commissioners receive only those complaints in the above mentioned categories. All recommendations made by the Board of Commissioners are presented to the Chief of Police for disciplinary action (IACOLE, 1989).

(e) Summary

All three agencies outlined are ones where civilians play a major role in two crucial areas--investigation and review of the facts. The OMI (New Orleans) has original jurisdiction over all complaints of improper conduct involving any city employee while the Chicago Police Board and the Detroit Board of Commissioners considers allegations of police misconduct brought before them. One might argue that the OMI is a much

more effective agency based on the comprehensive structure of the its organization. Others might argue of the OPS that being housed in the Chicago Police undermines its authority. Regardless of the arguments that may surface, the organizations in the Class I category represent agencies where there is an independent investigation of the facts followed by a independent review made by civilians.

Class II Systems

Class II Systems are defined as those systems where the initial fact-finding/investigation is conducted internally by sworn officers and a review of the facts is made by an individual or a board with a majority of non-sworn persons. Class II agencies make up a majority (46.7%) of the agencies in the sample. Since there in no independent evaluation of the facts, Class II agencies by their very nature constitute less of an independent process. Class II agencies are dependent upon the police department for interpretation of the facts.

(1) Agency Jurisdiction

As in Class I Systems, Class II agencies review various classes of complaints. Unlike Class I Systems, the types of complaints seem to involve what many might consider the more traditionally serious allegations. The categories of complaints in Class II agencies deal with actions that cause the greatest community controversy such as excessive force,

TABLE V JURISDICTION AMONG CLASS II AGENCIES

Civilian Complaint Review Board/New York City:

Complaints of Unnecessary or excessive force, abuse of authority, discourtesy, language or conduct which is derogatory of a person's race, sex, religion, creed, national origin, or sexual orientation.

Civilian Review Board/Atlanta:

Complaints of excessive force, serious bodily injury, or death.

Civilian Review Committee/Houston:

Complaints of excessive force, serious bodily injury, or death.

Citizen's Police Review Board/Dallas:

Complaints of serious bodily injury or death.

Complaint Evaluation Board/Baltimore:

Complaints of discourtesy and excessive use of force.

Office of Professional Responsibility/Pittsburgh:

Complaints of improper or illegal conduct.

serious bodily injury, or discrimination on the basis of race, sex, national origin, etc. Jurisdiction is much more limited in Class II agencies. Table V illustrates the variety in jurisdiction among Class II agencies. While there is less variability in the types of cases reviewed in Class II Systems (primarily the more serious cases), the structure of Class II agencies show greater variability than the former

classification.

Most Class II agencies in the sample have jurisdiction in cases involving police employees. Pittsburgh's civilian oversight agency, the Office of Professional Responsibility, reviews cases involving any municipal employee. In contrast, several Class I agencies have the authority to review cases involving any employee of the municipality.

(2) Agency Organization

Nine Class II agencies in the sample employ a board or committee which reviews an investigative report prepared by the police department. Five of the 14 agencies have somewhat differences structures. In Fresno, the Ombudsman's Office, one designated individual, conducts a subsequent review of the facts. Likewise, in Albuquerque, the Independent Counsel, one individual, reviews police investigative reports and makes recommendations concerning disciplinary actions. Pittsburgh's Office of Professional Responsibility, headed by a chief executive officer, reviews complaints of misconduct filed against any public employee and makes recommendations. In Miami, the Office of Professional Compliance reviews the facts of misconduct cases and often makes additional investigation before making any recommendations. Finally, the Office of Citizen Complaints (OCC) in Kansas City, headed by an executive director, reviews all complaints of police

misconduct filed either at the OCC or at the police department.

(3) Agency Powers

The majority of Class II agencies have no subpoena powers. The 1989 IACOLE Compendium cites the New York City Civilian Complaint Review Board as the only agency in this category having subpoena powers (IACOLE, 1989).

Recommendations in Class II agencies are handled in much the same way as in Class I agencies. After the agency makes recommendations, those recommendations are then sent to the police chief, city manager, mayor, or some other designated individual. None of the Class II agencies have the authority to impose discipline.

(4) Selected Class II Agencies

(a) New York/Civilian Complaint Review Board (CCRB)

The New York CCRB is a board composed of 12 members (6 civilians selected by the city council and 6 selected by the police department). The CCRB was created by local ordinance. The Board is a reviewing body that is responsible for reviewing cases alleging improper conduct on the part of employees of the New York Police Department. The CCRB has five satellite offices (one in each borough of the city) (Petito, 1986; p. 26). The CCRB reviews allegations involving: unnecessary or excessive force; abuse of authority; discourtesy; and language or conduct which is derogatory to a

individual's race, sex, creed, national origin, or religion (Petito, 1986; p. 26).

Like several other agencies, the CCRB has a conciliation process for allegations of less serious in nature. The CCRB does have subpoena power. After the case has been reviewed the CCRB makes its recommendations known to the Police Commissioner (IACOLE, 1989).

(b) Pittsburgh/Office of Professional Responsibility-OPR

The OPR was established in 1986 by local ordinance. The office is supervised by a civilian assistant chief who reports directly to the Director of Public Safety. One other staff member, an investigator/coordinator, is also a civilian. The OPR conducts a review of all allegations of misconduct within the Department of Public Safety. The OPR does not accept complaints phoned in or made anonymously (refer to Appendix C).

The civilian assistant chief upon the receipt of the investigative report makes recommendations to the Director of Public Safety. OPR does not, however, make recommendations as to discipline. Recommendations are made based on a preponderance of evidence and indicate whether or not the complaint is sustained, unsustained, founded, or unfounded (refer to Appendix C).

(c) Baltimore/Complaint Evaluation Board(CEB)

The CEB is a seven-member board made up of high-ranking government officials established by state statute in 1977. All members of the CEB are agency heads or their designated substitutes. Complaints of discourtesy and excessive force are reviewed by the board. All complaints must be in writing, signed, and notarized. The board is mandated to review police internal investigations and to make written recommendations to the Police Commissioner. The CEB has no formal subpoena powers. Dispositions by the CEB include: sustained, dismissed because of lack or insufficient evidence, exonerated because of the complainants failure to prove clear and convincing evidence, and remanded for further investigation. Complaints can be taken by any number community agencies throughout the Baltimore area as well as the Police Department (refer to Appendix C).

(d) Summary

Class II Systems are totally dependent upon police internal investigations for the finding of facts. Some Class II Systems have limited investigative powers; only the New York CCRB has subpoena powers. Regardless of whether police internal investigation provide adequate depictions of the facts, there is substantial civilian input involving Class II oversight agencies.

Class III Systems

Some oversight agencies have civilian input at the appellate level. Admittedly, these procedures are less automatic and much less independent. Class III Systems are those where both the initial investigation and fact-finding is conducted internally by sworn officers, but a procedure allows for an appeal to a body consisting of a civilian element. The four agencies in this category are substantially different from one another. All the agencies represent appeal procedures, but their similarities end there. The best approach to describing these agencies is to present a brief narrative of each.

(1) Category III

(a) Phoenix/Disciplinary Review Board(DRB)

The DRB was established by administrative order in 1986 to provide the Police Chief an advisory body to assist him in giving stability, consistency, and fairness to the disciplinary review process. It is within the DRBs authority to review disciplinary reports, refer such reports back to unit commanders for further investigation, and recommend the degree and severity of disciplinary action in founded cases. The board has the authority to conduct hearings and subsequent evaluations (refer to Appendix C).

Any employee automatically has the right to appear before the DRB when an allegation may lead to demotion, suspension,

or dismissal. The DRB is composed of an Assistant Chief, two Captains, one employee peer, and one citizen of Phoenix. Clearly, it is debatable as to whether the civilian element in this process is significant; nevertheless, there is a civilian element in the appeal procedure (refer to Appendix C).

(b) Omaha/Public Safety Findings Review Board

In cases where citizens are dissatisfied with the outcome of a departmental investigation in Omaha, the Mayor's Public Safety Findings Review Board is available. The Mayor's board was established by executive order in 1975. In order to utilize the Public Safety Findings Review Board, a complainant must submit objections in writing to the Mayor within ten days of receiving his/her letter of disposition from the Chief of Police (refer to Appendix C).

The Mayor's board is composed of eight members: the Mayor, the Public Safety Director, the Chief of Police, the Human Relations Director, the City Attorney, one member of the City Council, and two citizens appointed by the Mayor. The board has access to all reports filed by the Omaha Police Department concerning the specific case. In cases selected, the Mayor's board may present an alternate recommendation to the Police Chief for consideration (refer to Appendix C).

(c) St. Louis/Board of Police Commissioners

As in Omaha, St. Louis has an appeal procedure in cases where citizens remain dissatisfied with final dispositions.

The St. Louis Board of Police Commissioners was created by state statute and consists of four citizens appointed by the governor and confirmed by the Senate. When an appeal is filed, the Secretary to the Board of Police Commissioners determines whether the complainant has presented sufficient evidence to reconsider the case. In cases where the decision of the Secretary is that the case was improperly investigated, it is returned to internal affairs for further investigation. After further investigation, the Board of Commissioners may recommend an alternate disposition if justified (refer to Appendix C).

(d) Tucson/Citizens-Police Advisory Committee

The Citizens-Police Advisory Committee was created by ordinance in 1990. The committee consists of 13 members of which two are sworn officers below the rank of sergeant. All members are citizens of Tucson. The ultimate goal of the advisory committee is to assist the police in achieving a greater understanding of the nature and causes of complex community problems, especially as they relate to police-community relations and minority groups (refer to Appendix C.)

Although the advisory committee has a number of symbolic functions, the two functions that justify its inclusion in the Class III category are as follows: the committee has the authority to request that the police department review the disciplinary actions taken in deciding cases that cause great

community controversy or discourse. The committee also has the authority to use certain incidents and/or dispositions as a vehicle for examining police policies, priorities, and procedures. The Citizens-Advisory Committee acts upon the direction of the Mayor and City Council. The committee usually reviews all cases of a controversial nature and makes alternate recommendations if they are needed (refer to Appendix C).

(e) Summary

It becomes apparent by observing the variety of agencies in this category that their differences are great. To what extent there is an independent review of cases in this category is subject to greater scrutiny than in the previous two categories. Class III Systems outline those agencies where civilians have some input only in the appellate process. These agencies constitute the lowest level of civilian oversight contained in the sample.

Explaining Type and Prevalence

In an attempt to explain prevalence, this section of the investigation employed several demographic variables: population, geographic region, minority representation, and index crime rate. Crosstabulations were run using the existence of a oversight agency as the dependent variable by the preceding independent variables. Due to the fact that the expected cell frequency in all crossbulations was less than 5

cases, no adequate tests of significance were conducted. Differences among categories of 10 percent or greater (in cases where a pattern was evident) were accepted as suggestive and in some cases relational. The preceding rule of association has been recognized as an appropriate one (Babbie, 1989).

Population. Utilizing the most current Bureau of the Census Statistics (1991), each city in the sample was placed in one of the following population categories: (1) 1 million or over, (2) 500,000-999,999, and (3) 250,000- 499,999. Not surprisingly, cities with a population of 1 million or over

TABLE VI CITY POPULATION BY CIVILIAN OVERSIGHT						
	POPULATION BY 100,000					
	1,000,000 +		500-999,999		250-499,999	
	%	N	%	N	%	N
NON-CIVILIAN	25.0	2	52.9	9	36.0	9
CLASS I	25.0	2	29.4	5	20.0	5
CLASS II	50.0	4	11.7	2	32.0	8
CLASS III	0.0	0	5.8	1	12.0	3

*U. S. Department of Commerce, 1991.

were much more likely to have a civilian oversight agency. Only 25 percent of the cities (Philadelphia and San Antonio) in the sample with a 1 million plus population had no civilian oversight procedure. Furthermore, oversight agencies among the larger cities were exclusively in the first two classifications. Although cities with a population on 1 million plus seemed more likely to have a civilian oversight agency, the data suggested that cities in the third population category (250,000-499,999) were more likely than those in the second (500,000-999,999) to have an oversight agency (Table VI).

The inference is that when a city reaches a certain population level the likelihood increases that they will have a civilian oversight agency. On the other hand, some cities with substantially larger populations than third category cities had no civilian oversight procedure.

Geographical Region. With regard to geographical region, the findings seem to be most suggestive (Table VII). Cities located in the Midwest seemed much more likely to have a civilian oversight procedure (91.7%) than cities in the South, Northeast, or West. Furthermore, 50 percent of the Midwest agencies were in the Class I category. In contrast, Southern cities had the least number of oversight agencies (31.3% percent). There seemed to be no clear pattern in the Northeast and Western regions.

TABLE VII GEOGRAPHICAL VARIABLES BY CIVILIAN OVERSIGHT

AGENCY TYPE	GEOGRAPHIC LOCATION							
	NORTHEAST		MIDWEST		SOUTH		WEST	
	%	N	%	N	%	N	%	N
NON-CIV.	42.8	3	8.3	1	68.7	11	33.3	5
CLASS I	14.2	1	50.0	6	6.2	1	26.6	4
CLASS II	42.8	3	25.0	3	25.0	4	26.6	4
CLASS III	0.0	0	16.6	2	0.0	0	13.3	2

*SourceBook of Criminal Justice Statistics, 1990.

Minority Representation. Minority representation included all individuals classified as non-white in 50 of the sampled cities (the Honolulu minority representation may be misleading in that the majority of those in the city have Asian backgrounds). Minority representation refers to the composition of the metropolitan statistical area; therefore, some percentages may be more or less representative of the actual city population. The statistical reporting areas were used due to the fact that the most current information on minority representation refers to these areas.

TABLE VIII CITY MINORITY REPRESENTATION BY CIVILIAN OVERSIGHT						
	MINORITY REPRESENTATION					
	10-20%		21-30%		31% >	
	%	N	%	N	%	N
NON-CIVILIAN	45.0	9	43.7	7	28.5	4
CLASS I	15.0	3	12.5	2	50.0	7
CLASS II	25.0	5	37.5	6	21.4	3
CLASS III	15.0	3	6.2	1	0.0	0
*U. S. Department of Commerce, 1991.						

Since minority citizens file more complaints in proportion to their total population than do their white counterparts, one might expect that cities with substantially higher minority representation would have more oversight agencies. The findings from this research support the preceding expectation, with cities with the highest minority representation having more oversight procedures. Table VIII reveals that cities in the third category (31 percent or more) were three times more likely to have an oversight procedure.

CHAPTER 5

CONCLUSION

Implications of Findings

There has been substantial growth in the area of civilian oversight of the police in recent years. This apparent growth seems to be continuing into the decade of the 1990s as evidenced by four agencies in the sample which were created in this decade. Evidence suggests that civilian oversight agencies have become more stable in that agency creation is typically by ordinance as opposed to early boards which were created by administrative or executive order. One may infer from the growth in civilian oversight that many jurisdictions have become more receptive to external review practices.

The variety of oversight agencies across jurisdictions is very apparent. Although the established classification scheme aids in our ability to make generalizations, there remains differences among these agencies that must be addressed. Hopefully, differences among oversight agencies can now be discussed in respect to a meaningful classification.

The limited descriptive analysis of the variables of population, geographical region, minority representation, and crime rate provides suggestive inferences as to the evolution of civilian oversight procedures. The strongest suggestions

from these variables indicate that the Mid-western region may be more receptive to civilian oversight and that high percentages of minorities in the population may designate cities that are more likely to have an external review agency. However, it should be noted that cities in the sample with relatively low minority populations also have oversight agencies, Minneapolis and Indianapolis are two examples of such cities.

Limitations of Research

This research is limited in that it primarily addresses the prevalence of oversight agencies. Selection of the 50 largest U. S. cities as a sample prevents inclusion of other noted civilian oversight agencies in the country. Civilian oversight agencies exist in Rochester, NY; Hartford, CT; Berkeley, CA; Flint, MI; San Diego County, CA; Dade County, FL (IACOLE, 1989); and, Allen County, IN (Petito, 1986).

Admittedly, the suggestive analysis obtained by looking at city characteristics in relation to the existence of oversight agencies provides no statistical significance. The small number of cases in the sample preempt any meaningful evaluation of these characteristics (population, geographical region, minority representation, and crime rate).

The descriptive analysis contained in this thesis only begins to answer some of the questions concerning civilian review of the police. The classification scheme provides a

good foundation for viewing the variety and structure of civilian oversight agencies in the United States, but the research merely scratches the surface. Research must ultimately focus on some of the more qualitative issues in this area.

The Need for Further Research

External review of the police was proposed primarily for two reasons: to restore public confidence in the police and to provide an objective means of handling citizen complaints against the police (National Advisory Committee on Civil Disorders, 1968); both considerations must be taken into account when discussing the effectiveness of civilian oversight. Is the public more confident as a result of more widespread civilian oversight? Do these agencies provide a more equitable or efficient means of handling citizen grievances against the police?

In order to answer the question concerning effectiveness, comparative analysis must be directed toward measurements of citizens' perceptions of civilian oversight. Public opinion surveys can answer the question of whether citizens relate positively to oversight agencies. Surveys can also be useful in discovering to what extent citizens are aware of oversight agencies in their communities. Are cities making efforts to make the citizens' complaint process easily accessible to the public?

Comparative analysis of complaints including investigation, review, and recommendations may be one way of checking effectiveness. This type of inquiry should provide information indicating both the positive and negative components of external review of the police. Audits of significant numbers of citizen complaints across different jurisdictions would provide information indicating to what extent there is agreement between the independent agency and the police agency.

Many of the dynamics of civilian oversight agencies go beyond simple inclusion into one of the three categories. Although the current classification system offers insight into agency organization and structure, other variables need to be addressed independently respective to classification. Research must compare statutory powers among oversight agencies (i.e., subpoena powers, investigative and disciplinary powers).

Civilian review of police procedures has seen rising acceptance in the United States in the last two decades. It remains to be determined if these new structures are, indeed, enhancing the quality of police services or are simply window dressing to placate citizens.

BIBLIOGRAPHY

- Babbie, Earl. (1989). Practicing Social Science Research (5th edition). Belmont, CA: Wadsworth Publishing Co.
- Campbell, J., Sahid, J. R., and Stang, D. P. (Eds). (1970). Law and order reconsidered: report of the task force on law and law enforcement. New York: Bantham Books.
- Chevigny, Paul. (1969). Force arrest and cover charges. In Paul Chevigny. Police power: police abuses in New York City (pp. 55-83). New York: Random House.
- Hudson, James R. (1971). Police review boards and police accountability. Law and Contemporary Problems. 36:515-38.
- International Association of Civilian Oversight of Law Enforcement. (1989). Compendium of civilian oversight agencies: civilian oversight of the police. Chicago: U. S. Department of Justice.
- Kerstetter, Wayne A., (1985). Who disciplines the police? Who Should? In William A. Geller. (Ed). Police leadership in America: crisis and opportunity. (pp. 149-95). New York: Praeger.
- Klyman, Fred A. and Kruckenberg, Joanna. (1979). A National Survey of Police-Community Relations Units. Journal of Police Science and Administration. 7:74.
- Loveday, Barry. (1988). Police complaints in the USA. Policing. 4:172-93.
- National Advisory Committee on Civil Disorders. (1968). Report. Washington, DC: USGPO.
- National Institute of Justice. (1984). Understanding police agency performance. Washington, DC: USGPO.
- Norusis, Marija J. (1983). Introductory statistics guide-spssx. New York: McGraw Hill.
- Petito, Shelia (1986). Nationwide survey of civilian complaints systems. New York: New York City Police Department.

Petterson, Werner E. (1985). Compendium of civilian oversight agencies: civilian oversight of the police. Chicago: U. S. Justice Department.

President's Commission on Law Enforcement and the Administration of Justice. (1967). The task force report: the police. Washington, DC: USGPO.

Reasons, Charles E. and Wirth, Bernard A. (1975). Police-Community Relations Units: A National Survey. Journal of Social Issues. 31:27-34.

Reiss, Albert. (1971). The Police and the Public. New Haven: Yale University Press.

_____. (1973). Police brutality--answers to key questions. In Arthur Niederhoffer et al. (Eds). The ambivalent force: perspectives on the police. (pp. 321-30). San Francisco: Rhinehart Press.

Rogowsky, E. T., Gold, L. H., and Abbott, D. (1971). The civilian review board controversy. In Jewel Bellush and Stephen M. David. Race and politics in New York City. (pp. 59-97). New York: Praeger.

Sourcebook of Criminal Justice Statistics. (1990). U. S. Department of Justice, Bureau of Justice Statistics. Washington, DC: USGPO.

Statistical Abstract of the United States. (1989). Department of the Census. Washington, DC: USGPO.

Terrill, Richard J. (1982). Complaint procedures: variations on the theme of civilian participation. Journal of Police Science and Administration. 17:77-83.

U. S. Department of the Census. (1991). Department of Commerce. (Publication No. CB91-229). Washington, DC: USGPO.

Wagner, Allen E. (1980). Citizen Complaints against the police: the effect of statutory change. Crime and Delinquency. 30:121-40.

Walker, Sam and Bumphus, Vic. (1991). Civilian Review of the Police: A National Survey. UNO CPAR.

APPENDIX A

Extended Chart of Civilian Review Agencies

In the 50 Largest

U.S. Cities

CITY	NAME OF ORGANIZATION	DATE EST.	ENABLING AUTHORITY	CLASS	# OF MEMBERS	METHOD OF APPT. BOARD/DIRECTOR	RESPONSIBILITIES	OTHER CHARACTERISTICS
New York, NY	Civilian Complaint Review Board	1987	Ordinance	11	12	6- by mayor 6- by Council	reviews all citizen complaints--makes recommendations	also makes training and policy recommendations to police agency
Los Angeles, CA	Internal			None				
Chicago, IL	Police Board (Office of Professional Standards)	1974	Ordinance	1	20	by mayor (approved by council)	receives & investigates all complaints of police misconduct--makes recommendations	the Office of Professional Standards operates under the authority of the police board, separate from the police department
Houston, TX	Civilian Review Committee	1990	Ordinance	11	21	by mayor	reviews complaints of excessive force, serious bodily injury, or death	the Review Committee has 21 members divided into 3 separate panels
Philadelphia, PA	Internal			None				

San Diego, CA	Citizen Review Board	1988	Ordinance	11	20	By City manager	reviews all citizen complaints--makes recommendations	
Detroit, MI	Board of Commissioners (Office of Chief Investigator)	1974	Ordinance	1	5	By mayor (approved by council)	receives & investigates all complaints makes recommendations	the Office of the Chief Investigator handles all investigations and is staffed by civilian investigators
Dallas, TX	Citizen's Police Review Board	1988	Ordinance	11	13	by city council	reviews shooting & other complaints, makes-- recommendations	
Phoenix, AZ	Disciplinary Review Board	1986	administrative Order	111	5		reviews disciplinary decisions--makes further recommendations	the Disciplinary Review Board consists of four sworn officers and one citizen
San Antonio, TX	Internal			None				
San Jose, CA	Internal			None				

Indianapolis, IN	Citizens Police Complaint Board (Office of Citizen Police Complaints)	1989	Ordinance	11	9	3- by mayor 3- by council 3- by police (sworn)	reviews complaints of excessive use of force abuse of authority, and discourtesy--makes recommendations	the Office Citizen's Police Complaints is an investigative office headed by a director appointed by the Public Safety Director
Baltimore, MD	Complaint Evaluation Board	1977	State Statute	11	7	the board consists of 7 state agency heads or their delegates	reviews complaints of discourtesy and excessive use of force--makes recommendations	
San Francisco, CA	Office of Citizens' Complaints	1983	Ordinance	1	1	Director appointed by Police Commission	receives & investigates all complaints--makes recommendations	the Office of Citizen Complaints is headed by one director who conducts investigations & recommends
Jacksonville, FL	Internal			None				
Columbus, OH	Internal			None				

Milwaukee, WI	Fire & Police Commission	1977	State Statute	1	5	By Governor	receives & investigates complaints of excessive force and abusive language--makes recommendations	Investigates and reviews allegations of misconduct against all public employees
Memphis, TN	Internal			None				
Washington, DC	Civilian Complaint Review Board	1980	Ordinance	1	7	Mayor (approved by Council)	receives & investigates all citizen complaints--makes recommendations	
Boston, MA	Internal			None				
Seattle, WA	Internal			None				
El Paso, TX	Internal			None				
Nashville, TN	Internal			None				
Cleveland, OH	Police Review Board	1988	Ordinance	1	5	by mayor (approved by council)	reviews citizen complaint--makes recommendations	the Office of Professional Standards, under the Public Safety Director, is composed of both civilians and sworn staff and investigates all complaints of police misconduct

New Orleans, LA	Office of Municipal Investigation	1983	Ordinance	1	1	Director appointed by mayor	Investigates and reviews all complaints of police misconduct--makes recommendations	the Office of Municipal Investigation conducts investigation and review of misconduct involving all public employees in the city
Denver, CO	Internal			None				
Austin, TX	Internal			None				
Forth Worth, TX	Internal			None				
Oklahoma City, OK	Internal			None				
Portland, OR	Police Internal Investigations Auditing Committee	1982	Ordinance	11	14	committee consists of 3 councilmen (elected)--plus 11 citizens	reviews cases designated as serious ones--makes recommendations	

Kansas City, MO	Office of Citizen Complaints	1983	executive order	11	1	Director appointed by mayor	reviews all complaints of police misconduct--makes recommendations	the Office of Citizens Complaints has a 5 member staff headed by a director who reviews cases and makes recommendations
Long Beach, CA	Citizen Police Complaint Commission	1991	Ordinance	1	11	by mayor (approved by council)	investigates and reviews complaints of police misconduct, excessive force, false arrest, and racial or sexual overtones--makes recommendations.	the Commission has an independent investigator not associated with the police department who conducts all investigations
Tucson, AZ	Citizens' Police Advisory Committee	1982	Ordinance	111	13	by city council--the Police Chief and City Manager are members also	serves as appellate review in cases alleging inadequate policies and procedures or violation of existing procedures	the Committee is comprised of both sworn and non-sworn personnel
St. Louis, MO	Board of Commissioners	1989	state statute	111	4	by Governor (approved by Senate)	serves as appellate review in cases alleging police misconduct	

Charlotte, NC	Internal				None					
Atlanta, GA	Civilian Review Board	1984	administra -tive order (mayor)	11	22	by mayor (approved by council)	reviews complaints of excessive force, serious bodily injury, or death-- makes recommendations	the Review Board consists 22 members divided between 4 panels--board also reviews complaints against the Department of Corrections		
Virginia Beach, VA	Internal			None						
Albuquerque, NM	Independent Counsel	1987	Ordinance	11	1	by city council	reviews complaints and findings of internal affairs in allegations of police misconduct	the Independent Counsel is an attorney hired by the city council who reviews police internal investigations		
Oakland, CA	Citizens' Complaint Board	1980	Ordinance	1	7	by mayor (approved by council)	investigates and reviews complaints of excessive force; appellate review of case of non-force-- makes recommendations	the board has original jurisdiction over complaints of excessive force and appellate jurisdiction over non- force complaints		

Pittsburgh, PA	Office of Professional Responsibility	1986	Ordinance	11	1	Chief Investigator appointed by public safety director	investigates and reviews complaints of misconduct--makes recommendations	investigates and reviews all public safety employee complaints--office has 4 support staff member
Sacramento, CA	Internal			None				
Minneapolis, MN	Civilian Police Review Authority	1990	Ordinance	1	7	4- by council 3- by mayor (approved by council)	investigates and reviews all complaints of police misconduct--makes recommendations	To begin operation April 1991
Tulsa, OK	Internal			None				
Honolulu, HI	Police Commission	1972	Ordinance	1	7	by Governor	investigates and reviews complaints of misconduct on the part of police employees, including civilian personnel	the Commission utilizes 4 support staff who are full-time paid employees
Cincinnati, OH	Office of Municipal Investigation	1979	Ordinance	1	1	Chief Investigator appointed by mayor	investigates and reviews all complaints of police misconduct--makes recommendations	investigations and reviews complaints involving all city employees

Miami, FL	Office of Professional Compliance	1986	Ordinance	II	11	by city manager (approved by council)	reviews complaints of police misconduct--makes recommendations	
Fresno, CA	Ombudsman's Office	1989	Ordinance	II	1	by mayor (hired)	reviews all complaints involving shots fired, verbal intimidation--makes recommendations	
Omaha, NE	Public Safety Finding Review Board	1975	executive order	III	8	by mayor	conducts appellate review of cases alleging police misconduct	the board consists of the Mayor, Chief of Police, Public Safety Director, Human Relations Director, City Attorney, one city councilman, and two citizen volunteers
Toledo, OH	Civilian Review Board	1991	Ordinance	II	11	by mayor	reviews complaints of police misconduct--makes recommendations	
Buffalo, NY	Internal			None				

APPENDIX B

Name of Department_____

Date_____

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Person Contacted_____

My name is_____. Currently we are conducting a national survey on citizen police civilian review here at the University of Nebraska in Omaha.

Does your department have a procedure for review of citizen complaints?

IF YES

What is the name of your procedure?

What date was it established?_____

Where there any prior procedures?

Who does the initial factfinding?

If a board, by what authority is the board or director appointed?

If a board, does the board consist of sworn or non-sworn officers?

If a board, how many board members are there, and are full-time, part-time, paid, or unpaid?

Is the specific complaint in question investigated or does the procedure review only the equity of how the complaint is handled through departmental channels?

IF NO. WHAT HAPPENS WHEN A CITIZEN HAS A COMPLAINT?

Is there an internal complaint procedure?

What happens if a citizen is still unhappy?

Is there a review or appeal procedure? (Explain)

*Could you send me a copy of your civilian review procedure/citizen appeal procedure and an annual report to:

University of Nebraska at Omaha
Department of Criminal Justice
60th & Dodge Streets
Omaha, NE 68182

APPENDIX C

City of Pittsburgh

DEPARTMENT OF PUBLIC SAFETY
Office of Professional Responsibility
(412) 255-2804



Pennsylvania

February 6, 1991

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Vic Bumpus
UNIVERSITY OF NEBRASKA
Criminal Justice
60th & Dodge Streets
Omaha, Nebraska 68182

Dear Mr. Bumpus:

Pursuant to your request, the following background information is provided.

In 1986, the Office of Professional Responsibility was formed. The office is supervised by a civilian assistant chief who reports directly to the Director of Public Safety. One other staff member, an investigator/coordinator, is also a civilian. Additionally, we have a police sergeant, two (2) detectives and two (2) police officers. As I mentioned to you, we conduct all misconduct investigations in the Department of Public Safety, and also perform all background checks on prospective Public Safety employees.

This involves approximately 1,000 Fire Bureau members, 1,100 Police Bureau Members, 160 Emergency Medical Service members, 80 Bureau of Building Inspection members, and 250 members in the Administration Bureau/including detention officers, identification personnel and communications staff.

In 1990, we received a total of 276 complaints (for all Bureaus). Of these complaints, 344 were completed (this includes cases open from the prior year); 72 of the 344 were closed as sustained (or establishing that misconduct did occur).

Most of our complaints are civilian initiated. They must be filed in writing with this office; we accept no phoned-in complaints, nor do we accept anonymous complaints.

same manner as other members of the Baltimore City Police Department. Any person who is a member of the Baltimore City Police Department shall be given credit for all the purposes aforesaid for all time spent as a member of the said Park Police Division. (P.L.L., 1969, sec. 16-40, 1961, ch. 290.)

COMPLAINT EVALUATION BOARD

16-41. Created; members and powers.

(a) The Complaint Evaluation Board (C.E.B.) of Baltimore City is created to provide a permanent, statutory agency in Baltimore City through which complaints lodged by members of the general public regarding alleged acts of discourtesy and excessive force by personnel of the Police Department of Baltimore City are to be processed and evaluated.

(b) The Board is composed of the following members or their delegates:

- (1) The State's Attorney of Baltimore City
- (2) The Attorney General of Maryland
- (3) The City Solicitor of Baltimore City
- (4) The Police Commissioner of Baltimore City
- (5) The Executive Director of the Legal Aid Bureau, Inc., of Baltimore City
- (6) The Executive Director of the Maryland Human Relations Commission
- (7) The Executive Director of the Baltimore City Community Relations Commission.

(c) The City Solicitor of Baltimore City shall be the permanent chairman. The representative of the Legal Aid Bureau shall serve as secretary.

(d) The Board shall meet in executive session as often as necessary to perform its functions and duties, but it shall meet not less than once a month.

(e) In all matters where a quorum is present, a majority vote of the Board shall prevail. A quorum consists of 5 members. (1975, ch. 889.)

16-42. Complaint procedures.

(a) Any person who claims to have been subjected to, or any person who claims to have personal knowledge of an act or acts of discourtesy, use of excessive force, or injury allegedly resulting from excessive force caused by Police personnel, may make a complaint of such conduct at the Office of the Internal Investigation Division of the Police Department of Baltimore City, the Legal Aid Bureau, the Maryland Human Relations Commission, the Baltimore Community Relations Commission, or at any of the Police District Stations.

(b) The complaint shall be reduced to writing on a special C.E.B. Form serially numbered, signed by the complainant, and notarized before a duly authorized Notary Public.

(c) One copy of the completed form shall be retained by the recipient of the complaint and a copy given to the complainant. A copy shall be mailed within 48 hours to the Internal Investigation Division and to the Secretary of the Board.

(d) The Secretary of the Board shall assign a consecutive number to each

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complaint and, within 48 hours, shall mail a copy to each member of the Board. The Secretary shall also maintain on file a record of each complaint.

(e) The Internal Investigation Division shall make a comprehensive investigation of each complaint and submit its report thereof to the Board within 90 days from the date of the complaint.

(f) The Board shall review the Internal Investigation Division's report and submit in writing to the Police Commissioner within 30 days from receipt thereof, a statement of its findings and recommendations as provided under Section 16-43(b). The Police Commissioner shall, within 30 days of his receipt of the findings and recommendations of the C.E.B. forward to the Board a statement of his disposition in each case. Concurrent with this, the Police Commissioner will also forward a copy of the Board's recommendation and the Police Commissioner's statement of disposition to the complainant and respondent police personnel. (1975, ch. 889.)

16-43. Jurisdiction and disposition of complaint.

(a) Jurisdiction of the Board shall extend only to complaints against police personnel with respect to discourtesy and use of excessive force as defined by Police Department rules and regulations.

(b) Upon review of the investigative report of each case, the Board shall make forthwith any one of the following four recommendations to the Police Commissioner:

(1) Sustain the complaint and approve, disapprove or modify the proposed Internal Investigation Division's action against the police personnel.

(2) Dismiss the complaint because of lack or insufficiency of evidence.

(3) Exonerate the police personnel because of the complainant's failure to prove his case by clear and convincing evidence.

(4) Remand the case for further investigation to the Internal Investigation Division or to the Maryland State Police.

(c) The Board may request the complainant, witnesses, and the police department personnel involved in a particular complaint to submit voluntarily to a polygraph test or to appear voluntarily before the Board. (1975, ch. 889.)

16-44. Final action.

The Police Commissioner has final decision-making responsibility for the appropriate disciplinary action in each case, but no final action may be taken until the recommendation of the Board has been reviewed. (1975, ch. 889.)

16-45. Rights not abrogated.

Nothing contained in this article may abrogate any constitutional, statutory or common law right of police personnel against whom a complaint is filed, nor of the complainants, investigators or witnesses who participate in the complaint procedure. (1975, ch. 889.)

2. I. (3) If the division commander agrees with the recommendation for suspension or demotion or dismissal, he will forward the report to the Disciplinary Review Board Chairman, after insuring that the matter has been fully and adequately investigated, and all pertinent questions have been answered and documented.
 - (a) In those cases when an officer is referred to the Disciplinary Review Board and the investigation was conducted by the Internal Affairs Bureau, the officer may request a meeting with the Internal Affairs investigator to discuss the matter to be reviewed by the DRB. The officer will not be permitted to read the investigation nor will any copies be made available for review.
 - (b) The request shall be made in writing to the officer's immediate supervisor. It will be the immediate supervisor's responsibility to contact the Internal Affairs Bureau and set a date for the officer, the Internal Affairs investigator, and the supervisor to meet and discuss the matter prior to the DRB. The officer, if he chooses, may be accompanied by a unit representative.
- J. When the investigation is completed, the accused employee will be notified in writing of the findings.
3. DISCIPLINARY REVIEW BOARD: This board is established to provide the Police Chief with an advisory board to assist in giving stability, consistency, fairness and timely information to the department's disciplinary process. The board is authorized to review disciplinary reports, refer such reports back to unit commanders for further investigation and to recommend the degree and severity of disciplinary action to the Police Chief. The board will not conduct hearings or investigations.
 - A. The board will consist of an Assistant Chief, two (2) Captains, one (1) employee peer, and one (1) citizen of Phoenix. An Assistant Chief will chair the board on a rotating basis.
 - B. The board will review all disciplinary reports in which a suspension, demotion or dismissal has been approved by a division commander and all reports of an employee being cited for driving a vehicle while under the influence. When an employee is involved in a serious violation of the law or the rules and regulations of the department to the extent that the violator could be immediately dismissed from employment, a supervisor may immediately and directly refer the matter to the Police Chief, or his designee, for action. Such a referral will bypass the Disciplinary Review Board.
 - (1) The involved employee shall have the right to appear before the departmental Disciplinary Review Board when the disciplinary matters brought before the board may lead to demotion, suspension or dismissal.

GENERAL ORDER NO. B-2 DISCIPLINE, MISCONDUCT AND INVESTIGATION PAGE 8
OF CITIZENS' COMPLAINTS 8/90

3. B. (1) (a) The purpose of such appearance is to give the employee an opportunity to respond to any sustained assertions made against him.
- (b) The department shall notify the employee ten (10) calendar days prior to the board meeting. The notification shall contain the date, time, violation(s), and basis of each violation that has been partially or wholly sustained.
- (c) The employee may meet with his immediate supervisor along with his second level supervisor, or the employee's bureau/precinct commander to discuss the matter being reviewed by the board. The employee may be accompanied by a unit representative at the meeting.
- (d) If the immediate supervisor conducted the investigation, the employee may meet with the next supervisor in his chain of command. Such a request shall be made in writing to the employee's immediate supervisor. The employee may be accompanied by a unit representative at the meeting.
- (e) The employee may appear before the board, with a unit representative of his choosing, to state his reasons why the proposed action is unjustified.
- (f) The employee may submit relevant written matter in support of his position.
- (g) Any appearance before the board during the employee's regular work shift shall be counted as time worked. Employees are not eligible for overtime pay when appearing before the board during other than regular work shift hours.
- C. After review, the board will arrive at a recommendation, including the number of hours in cases of suspension, and submit it to the Division Commander.
- (1) Such recommendations are advisory only.
- (2) If the board disagrees with the recommendations submitted by the Division Commander, and feels the disciplinary actions should be less severe than a suspension, demotion or dismissal, they will return the report to the Division Commander who may proceed with action as provided under General Order B-2, paragraph 2.I., or submit the matter directly to the Police Chief for further consideration.
- (3) The recommendations of the board will be included in the permanent records of the disciplinary report.

HOW DO I FILE A COMPLAINT AGAINST THE POLICE?

The Omaha Police Division has in place an investigative review process for citizens who feel that the treatment or service they received by any Omaha Police personnel was not appropriate or professional.

The review process is conducted by officers assigned to the Internal Investigations Unit, which operates directly out of the office of the Chief of Police.

The review process is initiated by a citizen reporting their complaint to the Uniform Patrol Bureau Captain on duty at Police Headquarters, 15th & Howard Streets, or his/her designate. This can be done 7 days a week, 24 hours a day. A complaint can also be filed in the Mayor's Action Office, as well as the Office of the Public Safety Director, Monday through Friday, between the hours of 8:00 a.m. to 4:00 p.m. Both of these offices are located on the 3rd floor of the Civic Center, 1819 Farnam Street. At that time, a pending complaint will be taken from the citizen and then forwarded to the Internal Investigation Unit for follow-up. The complainant will be given a formal complaint form which can be taken with them and filled out in the comfort of their own home.

WHAT HAPPENS AFTER THE COMPLAINT IS MADE?

Once the formal complaint has been completed, the citizen should contact the Internal Investigations Unit at 444-6039. The Internal Investigations Unit's business hours are 7:30 a.m. to 4 p.m., Monday through Friday.

If the Internal Investigations personnel have not heard from the citizen within 48 hours of their receipt of the pending complaint form, an effort will be made to contact the complainant on the status of the citizen's complaint.

It is important for citizens to realize that the Chief of Police must operate under a contractual agreement between the City of Omaha and the Omaha Police Union. The agreement outlines that citizen complaints have a 30 working day limitation period. Therefore, it is important that a complainant make contact with the Internal Investigations personnel within the recommended 48-hour period from the time of the initiation of the pending complaint form.

An Investigator will schedule an interview with the complainant to record and fully document the particulars of the complaint. Once the formal complaint has been received and the interview with the complainant has been conducted, an investigation is initiated to determine the total facts in the matter.

Often, people who have been arrested feel that they are not guilty of the charge and want to complain to the police. However, guilt or innocence, as well as the legality of the arrest, are up to the courts to decide. The police complaint process becomes involved only when errors are alleged in police behavior (in, for example, an arrest situation).

WHAT HELP IS NEEDED FROM ME?

If you want the incident investigated thoroughly, your cooperation is essential. You will need to sign a statement as to the facts and circumstances of the case. Although the incident in which you were involved may provoke strong feelings, keeping as calm an attitude as possible will be beneficial.

HOW LONG WILL THE INVESTIGATION TAKE?

It depends entirely on how complex the case is. Be sure you keep your contact in the Division informed of your current address; sometimes, investigations cannot be completed or the complaint processed because the person who complained cannot be located.

DOES THE COMPLAINT PROCESS GUARANTEE PROTECTION OF MY RIGHTS?

The complaint process protects the rights of both parties.

You have the right to have your complaint taken seriously, to be treated with respect and to have a thorough investigation that identifies all the relevant facts. Police regulations require that meetings you have with Division personnel be conducted in a manner that will avoid intimidation. If you do not feel these rights are being respected, you should contact the Chief's office immediately.

As public employees, police officers have similar rights protecting them in the proper exercise of their duties.

WHAT ARE THE POSSIBLE RESULTS OF A COMPLAINT?

After reviewing the report, the Chief of Police will come to one of the following conclusions: sustained (enough evidence to believe the allegation is true), non sustained (not enough evidence to either prove or disprove), exonerated (incident occurred but it was lawful and proper), or unfounded (the allegation is false).

If the complaint is sustained, the Chief of Police will forward his disciplinary recommendation to the Public Safety Director for his approval.

WHAT IF I AM NOT SATISFIED WITH THE CHIEF'S DECISION?

If you are dissatisfied with the outcome of your case, you may appeal to the Mayor's Public Safety Finding Review Board. This is accomplished by making a written application to the Mayor of the City of Omaha within ten days of your receipt of the letter from the office of the

Chief of Police indicating the disposition of your complaint.

The Mayor's Public Safety Finding Review Board is comprised of eight members:

- The Mayor
- The Public Safety Director
- The Chief of Police
- The Human Relations Director
- The City Attorney
- One member of City Council
- Two citizen volunteers appointed by Mayor

Once an application has been filed, the Mayor's Public Safety Findings Review Board will then have thirty days in which to respond indicating to the complainant whether or not the appeal will be heard. It shall be within the completed discretion of the Mayor's Public Safety Findings Review Board to hear or not to hear appeals.

If the Mayor's Public Safety Finding Review Board decides to hear a case, you the complainant will be notified and have an opportunity to be present. Any testimony by the complainant would be voluntary. All members of the Mayor's Public Safety Findings Review Board will have access to all the reports of the Omaha Police Division concerning the complaint.

The Mayor's Public Safety Finding Review Board will issue its findings at the conclusion of the appeal hearing and will either concur with the action of the Chief of Police or will make an alternate recommendation to the Chief of Police. The Mayor's Public Safety Finding Review Board will provide written notice of its findings to the complainant.

IMPORTANT PHONE NUMBERS:

Chief of Police: 444-5866
Uniform Field Bureau Captain: 444-5888
Internal Investigations: 444-6039

CITIES, TOWNS AND VILLAGES

commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years. The commissioners now holding offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and qualified.

(Amended by L.1987, H.B. No. 661, § A.)

1987 Legislation

The 1987 amendment modified the terms of commissioners and provided for appointments to fill vacancies beginning on January 9, 1989.

84.040. Police commissioners—qualifications—term of office—oath—compensation

The said commissioners shall be citizens of the state of Missouri, and shall have been residents of the cities for a period of four years next preceding their appointment; they shall, except as specified in sections 84.030 and 84.080, hold their offices for four years, and until their respective successors shall have been appointed and qualified, and receive each a salary of one thousand dollars per annum, payable monthly; before entering upon the duties of their said offices, the said commissioners and the said mayor shall take and subscribe before a circuit or associate circuit judge of the circuit court of judicial circuit in which said cities shall be located, or the clerk thereof, the oath or affirmation prescribed by the Constitution of the state of Missouri, and shall also take and subscribe before the same judge or clerk the further oath or affidavit that in any and every appointment or removal to be made by them to or from the police force created and to be organized by them under sections 84.010 to 84.340, they will in no case and under no pretext appoint or remove any policeman or officer of police, or other person under them, on account of the political opinions of such police officer or other person, or for any other cause or reason than the fitness or unfitness of such a person, in the best judgment of such commissioners, for the place for which he shall be appointed, or from the place from which he shall be removed. The said oaths or affirmations shall be recorded and preserved among the records of the said circuit court.

(Amended by L. 1978, p. 736, § A (§ 1), eff. Jan. 2, 1979; L.1987, H.B. No. 661, § A.)

1987 Legislation

The 1987 amendment inserted "sections 84.030 and" following "except as specified in" in the first sentence.

84.050. Board of police, treasurer—appointment—tenure—bond (St. Louis)

One of their number shall, from time to time, be appointed by the said commissioners treasurer of said board of police; and his appointment, when made, shall be certified to by the clerk of the circuit court of the judicial circuit in which said cities shall be located, under the seal of said court. Said treasurer shall hold his office for such time as may be designated by the commissioners, who may remove him at pleasure. Before he enters upon the duties of his office as treasurer, he shall give bond to the state of Missouri, with one or more sureties, in the penalty of ten thousand dollars, conditioned for the faithful discharge of his duties as treasurer of the board of police, and for the faithful application and payment over, pursuant to the order and direction of said board, of all moneys which may come to his hands as such treasurer. The bond of the treasurer shall be approved by a circuit judge of the judicial circuit in which said cities shall be located and shall be delivered to and safely kept by the treasurer of said cities.

(Amended by L. 1978, p. 737, § A (§ 1), eff. Jan. 2, 1979.)

Title of Act:

An Act relating to certain public offices.
L.1971, p. 149.

CHAPTER 84. POLICE DEPARTMENTS IN ST. LOUIS AND KANSAS CITY

PROVISIONS APPLICABLE TO ST. LOUIS

Section

84.175. Police reserve force authorized, powers and duties—riots or emergencies, may appoint additional members.

Cross References

Arrest without warrant on suspicion, see § 544.216.
Bertillon system of prisoner identification, see § 217.315 et seq.
Criminal records, central repository, duty of police to report certain information, see § 43.503.
Educational grants, surviving children of officers and employees killed in the line of duty, see § 173.260.

Library References

Municipal Corporations ¶181.
C.J.S. Municipal Corporations § 564.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

PROVISIONS APPLICABLE TO ST. LOUIS

84.010. City ordinances not to conflict with powers of board of police commissioners—emergency (St. Louis)

Law Review Commentaries

A Missouri plan for public employee collective bargaining. Keltner W. Locke, 23 St. Louis U.L.J. 62 (1979).

2. In general

State's retention of control over St. Louis police force is legal. Slater v. City of St. Louis (App.1977) 548 S.W.2d 590.

3. Ordinances

City ordinance, which is designed to prevent lead poisoning in dwelling units and which in effect makes it unlawful not to remove lead paint, as defined, within 14 days after due and specific notice is given, is not unconstitutionally vague on theory that it does not adequately describe "nature of the offense charged and when the violation" occurs. City of St. Louis v. Brune (Sup.1975) 520 S.W.2d 12.

Notes of Decisions**1. Validity**

The City of St. Louis has no authority to require that officers of the police force, of such city, hired after a specified date, reside within the city. Op.Atty.Gen. No. 276, Williams, 10-16-72.

84.020. Board of police commissioners—members—officers (St. Louis)

Notes of Decisions**1. In general**

Claim against board of police commissioners for assault and battery and false imprisonment allegedly committed by three police officers was

based on negligent or wrongful performance of governmental function, and thus was tort action to which doctrine of sovereign immunity applied whether board was considered as municipal agency or state agency. Carmelo v. Miller (App. 1978) 569 S.W.2d 365.

84.030. Police commissioners. appointment—term of office—vacancies—(St. Louis)

Beginning on January 9, 1989, the governor of the state of Missouri, by and with the advise and consent of the senate, shall appoint the four commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and said

CITY OF TUCSON
Office of City Clerk



BOARDS, COMMITTEES, & COMMISSIONS

CITIZENS-POLICE ADVISORY COMMITTEE

CREATED BY:

Tucson Code, Sec. 10A-86 etseq.

MEMBERS:

13 members: The Mayor and each Council Member shall appoint one (1) member of the Committee. The Fraternal Order of Police, Lodge No. 1, shall nominate for appointment by the Mayor and Council, two (2) members from the Police Department who hold a rank no greater than sergeant. The Tucson Crime Commission shall nominate, for appointment by the Mayor and Council, one (1) member. The Tucson Human Relations Commission shall nominate, for appointment by the Mayor and Council, one (1) member. The City Manager and the Chief of Police, or their designated representatives, shall be continuing ex-officio, non-voting members.

QUORUM:

6 members (must be voting members)

QUALIFICATIONS:

Appointed members must be residents of the City of Tucson and shall not have ever been convicted of a felony.

TERMS OF OFFICE:

The terms of the members appointed by Mayor and Council shall be coterminous with the appointing official or until their successors have been appointed. Other members shall serve two year terms.

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**CITIZENS-POLICE ADVISORY COMMITTEE
PAGE TWO**

FUNCTIONS:

- (a) Consult with the governing body from time to time as may be required by the Mayor and Council.
- (b) Assist the police in achieving a greater understanding of the nature and causes of complex community problems in the area of human relations, with special emphasis on the advancement and improvement of relations between police and community minority groups.
- (c) Study, examine and recommend methods, approaches and techniques to encourage and develop an active citizen- police partnership in the prevention of crime.
- (d) Promote cooperative citizen-police programs and approaches to the solutions of community crime problems, emphasizing the principal that the administration of justice is a responsibility which requires total community involvement.
- (e) Recommend procedures, programs and/or legislation to enhance cooperation among citizens of the community and police.
- (f) Strive to strengthen and ensure throughout the community the application of the principle of equal protection under the law for all persons.
- (g) Consult and cooperate with federal, state, city and other public agencies, commissions and committees on matters within the committee's charge.
- (h) The committee may ask for and shall receive from the Police Department, a review of action taken by the Department in incidents which create community concern or controversy.
- (i) The Committee shall have the authority, should it so desire, to use a specific incident as a vehicle for the examination of police policies, procedures and priorities.
- (j) At the discretion and express direction of the Mayor and Council, assume and undertake such other tasks or duties as will facilitate the accomplishment of these goals and objectives, except as hereinafter provided.

OPEN PUBLIC MEETING LAW REQUIREMENTS:

This public body, although a subcommittee or advisory committee, has been directed by the Mayor and Council to file written minutes with the City Clerk. It should be noted that the minutes filed need not necessarily contain the same information specified under the open public meeting law.

SUPPORTING DEPARTMENT:

Administrative/Secretarial - City Clerk 791-4213/3224